BC Women's Programs

Information Relating to Wife Assault in British Columbia

A joint project of the
Ministry of Labour,
Women's Programs and the
Ministry of Attorney General

Produced in Co-operation with
The Justice Institute
of British Columbia

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BC Ministry of Labour
Women's Programs

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Province of
British Columbia

OFFICE OF THE
ATTORNEY GENERAL

Ministry of
Attorney General

Parliament Buildings
Victoria
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Dear Readers,

Wife assault, or wife battering as it is sometimes called, is a serious problem in our society.

In recent months, the Province of British Columbia has implemented a new "law enforcement" approach to wife assault. In simple terms, wife assault will now be treated first and foremost as a criminal offence. The Ministry of Attorney General and the Ministry of Labour, Women's Programs, are co-operating on a public information program designed to inform British Columbians about this serious problem and the services and resources available.

As Ministers responsible for the status of women and the administration of justice in British Columbia, we are pleased to provide an information kit on wife assault.

The information in this kit will, we hope,shed some light on what, until recently, has been a hidden subject. The kit includes background information on why these assaults take place; it discusses some of the features which are common to a wife assault situation; it outlines the new policy of the Ministry of Attorney General and how police and others in the justice system will now be responding to wife assault cases; and it offers some practical information on the assistance and support services available to a woman who is or fears being beaten.

Wife assault is no longer a private issue. It is a matter of concern to all British Columbians who cherish every individual's right to safety and respect. We hope that this kit and the initiatives of the Government will play a small role in encouraging that regard for human dignity which is an integral part of the fabric of our Province.

The Honourable Robert McClelland
Minister Responsible for the
Status of Women

The Honourable Brian Smith
Attorney General

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Wife Battering in British Columbia
A Fact Sheet
Prepared by Battered Women's Support Services

How Common is Wife Battering?

Wife battering is a widely spread, but often hidden crime. The best estimates available to date indicate that 1 in 10 Canadian women are assaulted each year by their husbands or by the men with whom they are living. It has also been estimated that 4,000-5,000 women are beaten to the point of serious injury each year in the lower mainland of B.C. alone.

Women often do not admit that they have been battered, frequently because they do not see any alternatives for themselves and their children. In addition, agencies which may see battered women in the course of their work often are unaware that the women with whom they are working are battered. One Vancouver study points out the need for social service agencies to be aware of the problem and to ask questions when there are reasons to believe that a woman may be battered. Before the study, Family Services of the Lower Mainland reported that only 7.2% of their case load included incidents of physical abuse. However, when workers were asked to look for and note the number of clients who had experienced wife battering, this figure rose to 19.2%.

Does Wife Battering Result in Serious Injuries?

Frequently, yes. Injuries reported by women at Vancouver Transition House include "broken nose, arm, ribs; black eyes", "knife wounds, fractures, burns", "dislocated neck, spine, collar-bone", "black eyes, bleeding nose, bruises". Of the women who indicated how often they had been beaten, well over half reported 'often' or 'regularly'. Being punched or kicked in the stomach while pregnant is also a frequent occurrence.

Wife battering is responsible for 1/5 of Canadian homicides. Approximately 20% of all homicide victims are those murdered by their spouses. Most of these victims are women. In addition, the woman who kills her husband is most often a battered wife acting in self defense.

Who Is the Man Who Batters His Wife?

Wife batterers come from all socio-economic groups, all educational levels, and all cultural and ethnic groups.

While alcohol is frequently thought to be a cause of wife abuse, it is clear that the husband's use of alcohol is at most a contributing factor. In *Battered and Blamed*, the authors note that alcohol abuse was not a consistent feature of the assaults in a majority of cases. Several transition house workers pointed out that alcohol does not cause wife battering; it merely "gives (husbands) permission to do what they want to do anyway".

Do Women Who are Battered Provoke the Attack?

It is clear that wife battering has very little to do with the actions of the woman involved. While many women do try to change their own behavior in order to avoid being beaten, it later becomes clear to them that there is little or nothing they can do to avoid the attack.

Women report that a wide variety of situations may trigger an assault. Women are beaten for 'talking back', for 'not turning the radio down enough', for 'asking for money for groceries'. Some women are taken from bed and beaten.

Far from provoking attacks, battered women generally do anything they can to avoid them. Further to this, "a woman does not deserve to be beaten, no matter what she does. Nobody deserves beating, ever."

Why Doesn't She Leave?

Women often stay because, at least in the early stages of the battering, they sincerely hope that he will change, that the battering will stop, and that she will be able to continue in the marriage. When it becomes clear that this is not going to happen, she may well try to leave or get help. However, most agencies have been unprepared to give real support to women who have been battered. In addition, family and friends may be unwilling to get involved, or the woman may not want their involvement because of fear for their safety as well as her own. Her husband may threaten her with even more violence if she leaves. In addition, she may have nowhere to go and no financial resources.

For many battered women, the choice is between the battering, and a life of poverty and fear for herself and her children.

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Grounding Assumptions About Violence in the Family

(based on Gillian Walker's "Pilot project for a women's support group programme"; reprinted by Battered Women's Support Services)

1. Violence is not an acceptable form of family interaction.
2. It is recognized that some men are victims of assault by women; however, when compared to the number of women assaulted by husbands, their numbers are insignificant. The economic dependence of women, their role as primary providers of child care in most families and other factors mean that the dynamics of wife assault cases are likely to be different from those cases involving husband assault.
3. A woman does not deserve to be beaten, no matter what she does. Nobody deserves beating, ever.
4. There are very real pressures, not only *on* the family but *in* the family as a result of what 'the family' has come to mean and is expected to do in our current society. These pressures are enforced by the institutions which make up our system in such a way that 'the family' can become a trap, especially for women with children. The dimensions of the trap are seldom visible when a family is not in difficulty, but become apparent when family relations break down. We need to understand the demands and expectations which society makes on the family and how these are sanctioned by the law, social assistance policies, police action, employment and housing situations, and so on. These aspects are as much a reality as the internalized feelings and experiences of the individuals concerned.
5. There are presently fewer than 20 percent (8% U.S.) "traditional" families in Canada, i.e., father, breadwinner; mother, homemaker; and two children. In offering support and assistance to women in or leaving abusive situations, we are not seeking to break up the family but to maintain the part of the family which is a viable unit, i.e., the mother and children. A man who beats or brutalizes his wife and/or children is not a viable part of the family unit until such time as he stops.

Plain Talk About Wife Abuse

- "To have and to hold ... to love and to cherish ..."
- "Be it ever so humble, there's no place like home."

These sentiments reflect the feelings of most people towards marriage, home, and family—but not all. The surprising fact is that a lot of violence, bringing fear and pain, is reported among family members.

For example, about one-quarter of all murders in the United States take place within the family. Surveys of American couples show that 20 to 50 percent have suffered violence regularly in their marriages. The records indicate that between two and four million incidents of domestic violence occur every single year. Wife abuse is one kind of family violence that probably occurs far more often than most people imagine. The tragedy is that many women suffer this abuse for years without getting help. This flier explores what wife abuse is, who experiences it, some reasons it occurs, the pattern it usually takes, and why women don't get help. Finally, it looks at what women can do if they are abused and how, ultimately, the abuse might be prevented.

What Do We Mean by "Wife Abuse"?

Defining wife abuse or wife battering is not easy. For starters, whom are we thinking of when we use the word "wife"? Actually, any woman who maintains an intimate relationship with a man (her husband, ex-husband, boyfriend or lover) could become a battered or abused "wife". The words "abused" or "battered" which are used here do not refer to the normal conflict and stress that occur in all close relationships, but rather to the violence that can cause serious injury and death. In the pamphlet, "Assaults on women: rape and wife-beating," Natalie Jaffe cites a typical description of the kind of physical harm suffered by battered women surveyed in shelters and treatment in California.

"Most injuries were to the head and neck and, in addition to bruises, strangle marks, black eyes, and split lips, resulted in eye damage, fractured jaws, broken noses, and permanent hearing loss. Assaults to the trunk of the body were almost as common and produced a broken collarbone, bruised and broken ribs, a fractured tailbone, internal hemorrhaging, and a lacerated liver."

These are serious consequences of serious assaults. Another serious aspect is that once wife beating occurs, it is likely to happen again and again, with violence getting worse over time.

A Closer Look at How the Abused Woman Feels

A woman who has been abused over a long period of time is afraid. Not only is she afraid that she, herself, will be seriously hurt, but if she has children, she fears for their safety also. Her feelings of fear link her to all other women, from all classes of society, in similar situations.

Fear might be a woman's first and most immediate feeling during or after a beating, but other negative feelings may surface when she is not in physical danger. The abused woman is apt to develop doubts about herself. She might wonder if she is justified in fearing for her life and calling herself an "abused wife". Most likely, however, a woman who thinks or feels she is being abused, probably is.

Or, she may feel guilty, even though she's done nothing wrong. An abused wife may feel responsible for her husband's violence because in some way she may have provoked him. This has her placing the shame and blame on herself—instead of her abuser. The longer she puts up with the abuse and does nothing to avoid or prevent it, the less she likes herself. Along with the feeling of being a failure, both as a woman and in her marriage, may come a real feeling of being trapped and powerless, with no way out.

Why Do Men Abuse Their Wives?

Instances of wife abuse have been on record in the United States since the 1830s, but only every now and then does it arouse public concern. Generally, public opinion supports traditional family relations and male authority. The battering syndrome is both cause and effect of stereotyped roles and the unequal power relations between men and women. No social class is exempt. Wife abuse occurs in wealthy as well as in poor communities—in middle class as well as in working class families. Over the years it has been tolerated by those who govern community affairs, the courts, medicine, psychiatry, police, schools, and the church. History shows that the helping professions often protected patterns of family authority, unwittingly sanctioning wife abuse rather than condemning it.

Other Factors

Present-day society is one in which violence in the movies, on TV, and in the newspapers is familiar and accepted. Many husbands who abuse their wives have learned that violence, especially against women, is okay. They often were abused themselves as children or saw their mothers abused. The battered wife most likely grew up in a similar environment.

There are other psychological reasons. A wife abuser tends to be filled with anger, resentment, suspicion, and tension. He also, underneath all his aggressive behavior, can be insecure and feel like a loser. He may use violence to give vent to the bad feelings he has about himself or his lot in life. Home is one place he can express those feelings without punishment to himself. If he were angry with his boss and struck him, he would pay the price. But all too often he gets away without penalty when he beats his wife. She becomes the target for his vengeance, and he gets the satisfaction he's looking for.

What about the victimized wife? If she accepts her husband's traditional male authority, she may be labeled as immature. If she fights back or if she refuses to sleep with him if he's drunk, she might be accused of being hostile, domineering, and masculine. These are complaints of abused women.

Patterns

Familiar patterns of wife abuse often develop in three phases: the tension-building phase, the explosion or the actual beating phase, and the loving phase. The tension builds over a series of small occurrences such as a wife's request for money, her refusal to do all the household chores without her husband's help, her serving a meal not pleasing to him, or a similar incident. What follows is inevitable. She may become the object of any or all of the following assaults: punching with fists, choking, kicking, knifing, slamming against a wall, throwing to the floor, or shoving down the stairs. Sometimes even threats with a gun have been reported. When the beating is over, the couple move into the third phase. The batterer feels guilty about what he has done. He is sorry and may become loving towards her. He assures his wife that he will never do anything violent or hurtful to her again. At that moment, he may believe he will never hurt her again. She wants to believe him, hoping that he will change. However, even with professional help, the tension building and the beatings may continue.

Why Do Women Stay?

Women have learned that it may be their own feelings of fear, guilt, or shame that keep them in a relationship that is physically abusive. Often, social and economic pressures compel a woman to stay. Sometimes she stays for lack of somewhere to go for shelter and advice or because she feels that she loves her husband and that he might change, if only she can "hang in there". Tragically, in most cases, the abuse continues, for in fact her husband's behavior has nothing to do with her actions.

Other reasons for staying with him may seem as compelling. A woman may feel that a divorce is wrong and that she should keep her marriage together at all costs. Perhaps she feels her children need a father. She may be isolated with no outside job and few friends. The friends and relatives she does talk to may give her little support, perhaps because her situation frightens them and they don't want to admit to themselves that such violence could occur. If she confides in a counselor, she may also be encouraged to "save the marriage". And, along with her emotional dependence, she may worry about being able to find a job to support herself and her children. If she has her husband arrested, he may not be able to support her. If she doesn't have him arrested, he may beat her even more severely for trying to leave him. Is there a way out? Most women suffer these attacks for years before they finally find the courage and determination to take steps to keep from being victims of further abuse.

What Can a Battered Woman Do?

The first step for a woman to take is to *admit to herself that she is being abused* and that she is not being treated fairly. She has the right to feel safe from physical harm, especially in her own home.

Emergency Action

A woman can do a number of things to protect herself. She can hide extra money, car keys, and important documents somewhere safe so that she can get to them in a hurry. The phone number of the police department should be handy. She should have a place to go, such as an emergency shelter, a social service agency, or the home of a trusted friend or relative.

During an actual attack, the woman should defend herself as best she can. As soon as she is able, she should call the police and get their names and badge numbers in case she needs a record of the attack. Most importantly, she should leave the house and take her children with her. She may need medical attention, too, because she might be hurt more severely than she realizes. Having a record of her injuries, including photographs, can protect her legally should she decide to press charges.

Long-Range Plans

A woman needs to talk to people who can help. Good friends can lend support and guidance. Organizations that are devoted to women's concerns and not bound by society's traditions can assist her. They might help her explore her options in new ways. Emergency shelters for women, hotlines, women's organizations, social service agencies, community mental health centers, and hospital emergency rooms are all possible sources of support.

The following organizations have information about state contacts and shelters where a battered woman can go for help:

Centre for Women Policy Studies
2000 P Street, N.W., #508
Washington, DC 20036
(202) 872-1770

National Coalition Against Domestic Violence
1728 N Street, N.W.
Washington, DC 20036

Above all, a woman has to determine her own best course of action. Positive measures such as confiding in a relative, talking seriously with a friend, or consulting with a counselor are steps in the right direction. With the help of informal and formal help sources, including individual counselling for the husband as well as herself, a woman may be able to bring an end to the problem.

It has been observed that abused women need to develop better feelings about themselves—that is, change their self-image. In a book, "Stopping Wife Abuse", by Jennifer Baker Fleming, the following attitudes are suggested as positive and useful:

- I am not to blame for being beaten and abused.
- I am not the cause of another's violent behavior.
- I do not like it or want it.
- I do not have to take it.
- I am an important human being.
- I am a worthwhile woman.
- I deserve to be treated with respect.
- I do have power over my own life.
- I can use my power to take good care of myself.
- I can decide for myself what is best for me.
- I can make changes in my life if I want to.
- I am not alone. I can ask others to help me.
- I am worth working for and changing for.
- I deserve to make my own life safe and happy.

Prevention

Since there is no one cause of wife abuse, there is no easy way to prevent it. Until society rejects its tolerance and acceptance of violence for resolving conflict and expressing anger, meaningful changes in family relationships will not occur. Prevention starts with people changing their attitudes towards violence and women. No one deserves to be beaten or physically threatened, no matter what the excuse. It is a crime to beat anyone—a stranger, a friend, or your wife—and the law should be enforced. The tolerance of family violence as a way of life in one generation encourages family violence in another generation. Since the wife abuser didn't learn to deal with anger appropriately as a child, he handles his frustrations through aggression. He needs to know that it's human to feel anger, but inhuman to release those feelings by beating others. By learning to deal with these emotions through acceptable behavior, he can gain respect for himself and others. It's another positive step towards developing mutual respect in the husband/wife relationship where each sees the other as a worthy human being.

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This material was written by Lenore Gelb, staff writer, in consultation with NIMH scientists.

Common Beliefs About The Cause Of Wife Battering

From: *Wife Battering in Canada: The Vicious Circle.* Prepared for the Canadian Advisory Council On the Status of Women

Any phenomenon which brings harm and even death to a large proportion of the population creates widespread public concern and speculation about its cause in the search for its eradication. Wife battering is no exception. Many theories have been put forward and "cures" tried, and yet the incidence of wife battering has not appeared to diminish, and women who have been battered are asking for different approaches. The most prominent causal theories will be summarized below, with a commentary on why they may be ineffective or inappropriate.

The comments all highlight the conclusion that wife battering cannot be seen as a personal problem which can be treated on an individual level, nor can it be treated as a static phenomenon which can be "explained" with one cause or even a concrete set of causes. Any search for cause assumes that the phenomenon and the cause can in some way be separated from our daily lives, plucked out once the cause is found, and eradicated. But what if the problem permeates the fabric of our lives? Wife battering is so deeply rooted in our society that the treatment itself frequently perpetuates the problem. The treatment, and the beliefs about the causes of wife battering which are behind these treatments must also be recognized as part of the problem of wife battering—part of the psychological battering women experience when they ask for help to stop the battering. As much as possible, the commentaries on these theories and treatment approaches will reflect knowledge and opinions expressed by women who have been battered, or researchers who have interviewed women who are victims of wife abuse.

Alcohol

Statement of Theory: According to this school of thought, alcohol is involved in almost all cases of wife abuse. It is said to be a causal agent which may abnormally alter the personality of the drinker and cause him/her to perform actions which would ordinarily be out of character and against his/her will.

Commentary: Alcohol is in fact present in a large number of cases of wife abuse. But although early studies place the use of alcohol by the aggressor at 80-90%, more recent studies show that in less than one-third of the disputes had one or both of the disputants been drinking. Our statistics place the incidence slightly higher—at about 50% for the men and 20% for the women.

Use of alcohol, however, does not make it a causal factor although it may be a facilitator. Many have argued that the fact that we believe alcohol leads to "out of character" behavior makes it a perfect tool to use to justify violent actions. Gelles argues "When the occurrence of violence in the home becomes public knowledge, or when it is discussed by family members, the deviancy must be accounted for ... Thus individuals who wish to carry out a violent act become intoxicated in order to carry out the violent act."

As one woman reveals:

> He'd come home after work, after being out with another woman the night before and pretend to be drunk even though he'd probably only had a beer or two—just so he could pick a fight.

A project in Kingston, Ontario, also found that violence may be successfully stopped after counselling sessions, even though drinking problems continue. In other words, instead of men beating their wives because they have been drinking, they drink to help justify the fact that they beat their wives.

A Vancouver study gives further insight into this phenomenon:

> What may be significant (about men going out drinking together frequently) is the support and encouragement that men give each other in reaffirming their role as breadwinner and boss. This may partly explain the fact that women get beaten up more readily after their husbands return from such drinking gatherings.

The problem then is not alcohol, it is the social use of alcohol to legitimatize violence and to reinforce a certain image of family relationships.

Mental Illness

Statement of Theory: Wife batterers are often characterized by this group of theorists, as typically passive, indecisive and sexually inadequate, while their wives are aggressive, masculine and masochistic. Others with this theoretical orientation claim that wife batterers are frequently psychopathic and all the legislation and punishment in the world will not change their methods of expressing their frustrations.

Commentary: Wife battering is too widespread to be explained primarily by mental illness. Emphasis on this aspect of the problem as the main cause is unlikely to lead to any workable social program since it focuses purely on the individual, not on the whole situation. Unfortunately, studies which provide psychiatric diagnoses for people who are not institutionalized, are rare. However, it is estimated that only 3% of those men who beat their wives have any organic brain damage. Another study shows that irrational attacks which might be described as temporary insanity are very infrequent.

Natural Male Aggression

Statement of Theory: This theoretical leaning has produced two major schools of thought:

1. Male hormones and sexual drives are said to produce violence, especially if the male is deprived of body touch, contact and movement.
2. It is also claimed that the expression of normal aggression between family members releases tension and prevents severe violence.

Commentary: Both of these theories are often used to excuse the attacker and blame the victim for being cold, aloof and insensitive to the attacker's day-to-day needs. However, as one proponent of a modified biological theory reminds us: "Human needs are insatiable because they are in such great part social." That is, we are taught to need at certain times, in certain ways. Other studies show that some violence is not cathartic. Therefore a little violence is not likely to prevent a lot of violence. Modern social psychological theories state:

> The more frequently an act is performed the greater the likelihood that it will become a standard part of the behavior repertory of the individual and of the expectations of others for that individual.

Finally, if hormones are the true cause of violence, how can violence by the male role model in lesbian relationships be explained? Maleness may be one cause of wife battering, but evidence suggests that it is a socially-learned maleness—a male role—not a biologically determined maleness that precipitates violence.

The Wife Was to Blame

Statement of Theory: According to this popular theory, the victim of intra-family violence is said to verbally torment the aggressor mercilessly, usually by nagging, arguing over drinking and gambling and criticizing sexual performance, until the aggressor is deprived of self-control and reacts violently towards his tormentor.

Commentary: This position is a close relative of the biological theory. It blames the victim and attributes wife battering to temporary insanity. It also tends to focus all attention on individual couples and their particular modes of interaction. When, according to our estimates, at least one in ten couples in Canada are experiencing "interaction aberrations," it seems necessary to look beyond the individuals.

Also, the stereotyped image of the nagging wife has been challenged by other researchers. "In Dr. Gayford's study of British battered wives, 77% of those interviewed reported that physical assaults were usually not preceded by verbal arguments." "Wolfgang found that, of those victim-precipitated killings that involved spouses, significantly more husbands were victims than wives."

Reports by women about their husbands' view of the "cause" of the battering also put this "victim precipitation" theory in serious question:

> I myself was beaten by a man I was only living with when I came home later than him one evening. I had stopped to visit friends for a couple of hours. He of course thought I was out with another man! He struck me so hard in the eye that I was blinded for one day. I was afraid of losing my sight in that eye permanently. Of course, it was O.K. for him to see and even sleep with other women ... he would even bring them home after I was in bed and 'entertain' them in the living room.
>
> He threw the pot at me because he didn't like the supper.
>
> My mother was beaten weekly because the number one cause was she had delivered three daughters and cheated him from fathering a son.

These first hand accounts put the credibility of any theory which sees violence as the natural culmination of intolerable patterns of interaction, in serious question.

Violence is Passed on from One Generation to the Next

Statement of Theory: The Proposal put forth in this theory is that violent individuals and battered wives grew up in violent families where they witnessed violence or were victims of violence as children. Therefore the child is socialized to accept violence as normal, appropriate or inevitable behavior in a marriage.

Commentary: There is much support for this theory. Our study of transition houses and their residents revealed that 36% of the women had been beaten as children as had 56% of their mates. Violence in many forms seems to be a way of life in some families. Silver, Dublin and Laurie in a three-generational study found that "many abusives were simultaneously engaged in spouse beating and their children were rapidly accumulating criminal records for committing physically violent acts." Evidence derived from a large national survey in the U.S. also supports the theory that the more an individual is exposed to violence both as an observer and a victim during childhood, the more likely the individual is to be violent as an adult.

Childhood socialization certainly seems to affect adult use of violence. It does not explain all cases of violence, however. Middle-class women who are beaten speak of their reluctance to bring their problems to their parents because "My parents don't even know such things exist". The danger of relying on this causal theory is that it allows people who did not have a violent childhood to distance themselves from the incidence and issues surrounding wife battering, and to explain away their own experiences with wife battering in terms like "I just went crazy one night—It'll never happen again" or "He didn't really beat me—he just slapped me around a little. I got my black eye from falling when I lost my balance." Children who learn to accept family violence as a part of life and to see violence by men against women as legitimate are of course more likely to normalize violence in their own families. Direct childhood experience with violence should be seen, however, as only one way children are taught to accept wife battering. Our lessons about the acceptability of violence run deep and have many channels. A detailed discussion of these lessons will follow in the next chapter.

Status Imbalance

Statement of Theory: Wife battering for these theorists is said to be caused by the liberation of women, and by the woman having a higher education or a better job or earning more money than her husband. A man beats his wife to establish his rightful place as head of the family. (Interestingly, this theory was also popular in the 1830s and 1840s to argue against allowing women and children to work in factories.)

Commentary: This theory is based on a model of the family which condones and supports inequality. It is a method used by men who beat their wives to explain their actions. As one study states, "Many of the men resent their wives going out to work even though they know there is no other way." Another study proposes that if the wife questions the husband's authority, violence will result. This theory supports a return to a society and mythical family form which is for most families today impossible. It also begs the question of why many of the women who are battered work in the home in a traditional wife and mother role. Again, rather than accepting this as a causal theory, it is more fruitful to see it as another means of legitimating violence. It also suggests that violence is rooted in unrealistic expectations about the form a family should take.

Alienation and the Inability to Communicate

Statement of Theory: Violent men, according to the alienation theories, experience higher feelings of hopelessness and interpersonal incompetence or just plain boredom, are unable to communicate these feelings to their wives and strike out irrationally to relieve their frustration:

> The bored person who cannot experience anything positive has, however, one possibility to experience intensity, and that is destruction. When he destroys life, then he experiences a sensation of dominance over life, he avenges himself on it because he was not successful in fulfilling this life with meaning. When he avenges and destroys, he proves to himself that life has not been able to cheat him.

Other theorists add the element of communication blocks. "Probably the single most frequently mentioned complaint relating to marital interaction was that one spouse would not discuss the problem."

Commentary: This theory again tends to excuse the aggressor by letting him hide behind a brooding Marlon Brando image. It individualizes the problem and offers no explanation about why boredom and alienation exist in so many families, or why boredom and alienation express themselves as physical aggression against the wife. This becomes a classic example of treating the symptoms rather than the disease and mistaking the symptoms for the cause.

Stress/Social Pathology

Statement of Theory: This school of thought is based on the premise that we live in particularly stressful times. The claim is made that when a man can't cope with external pressures and society's expectations of him, he eventually breaks and violence is a frequent result. Wife battering is therefore said to be more likely in the lower classes where unemployment, poverty and low-level, routine jobs place more stress on men.

Commentary: This theory is the only theory of all those we have discussed which looks for cause in the wider society, rather than in the individual or the particular family. It takes a very ethnocentric or culture-bound view, however. Wife battering is far from being a modern phenomenon. It is rooted in our laws, religions and traditions, and reports of violence are found in almost every culture and every historical period for which written documentation exists. Further, although our statistics aren't conclusive, many reports, as we have documented, confirm our position that wife battering is not primarily a lower-class phenomenon, it is simply more visible in the lower classes. Stress cannot be seen as a root cause, although it probably is a facilitator, like alienation, alcohol and status imbalance.

The theories discussed on the previous pages, all deal with the symptoms of wife battering while claiming to deal with the causes. None of these theories answer the two most central questions about wife battering:

> Why does so much violence take place in the family?
>
> Why is violence so often directed at the wife?

To answer these questions, and to suggest positive action to diminish the incidence of wife battering, two initial steps must be taken. First, the family must be re-examined—not in terms of particular husbands, wives, children and relatives, but as an institution embodying traditions, beliefs, expectations and roles that perpetuate and sanction violence against women in the family. Second, the family as an institution must be explored in the

context of other institutions—including legal and medical institutions, with their traditions and roles which reinforce the social acceptance of wife battering in the privacy of the marital home.

The Bruise That Doesn't Heal

By Andrea Dworkin

The American nuclear family, by all accounts, is the most violent civilian institution. "The predominant position of the family as a setting for violence," sociologist Murray Straus has noted, "seems to apply to every form of physical violence, from slaps to torture and murder."

The American home is a terrifying place. It is the scene of our own nation's most blatant and insidious form of repression and physical cruelty—wife-beating.

Wife-battering has been called the "most underreported crime" in the United States. Many people believe it is not a crime at all, but a way of "keeping order" in the home, as though the family were a country ruled by a violent despot. Straus and others estimate that, in any given year, 1.8 million American women are beaten by the men they live with and that one-half of all wives have suffered at least one beating. Outside the feminist movement, as a society we have done very little to end men's reign of terror over women.

Police often do not respond to calls involving domestic violence. When they do respond, they like to catch the man *in the act* of beating his wife before they will make an arrest. Often, police in many parts of the country try to get the couple to "make peace" rather than arrest the batterer. A wife-batterer, after all, does not look all that different from any other American male.

Wife-batterers are described by their wives as angry, resentful and suspicious men, childlike in their dependence upon their spouses, with an insatiable need for attention. They view their wives or lovers as exclusive property, like a car or a television set. A striking number of women are badly beaten when they are pregnant, a fact documenting the view that men are threatened by the introduction of another human into the family. Del Martin, in her book *Battered Wives*, says the batterers "often have about them an aura of helplessness, fear, inadequacy and insecurity.... The man who is losing his grip on his job or his prospects may feel compelled to prove that he is at least the master of his home. Beating his wife is one way for him to appear a winner."

This society likes winners, and it rewards them. Violence is a learned behavior, taught by our parents, friends and lovers and reinforced through our cultural dependence upon violence. Violence is used in this country to solve a wide range of problems—from stopping international conflicts to teaching spelling; from toilet training to maintaining a sexist hierarchy within the family. The sad truth is that violence persists because we believe it will work—inside and outside the home. —*A.S.*

In a few days, I will turn 31. I am filled with both pride and dread.

The pride comes from accomplishment. I have done what I wanted to do more than any other thing in life. I have become a writer, published two books of integrity and worth. I did not know what those two books would cost me, how very difficult it would be to write them, to survive the opposition to them. I did not imagine that they would demand of me ruthless devotion, spartan discipline, continuing material deprivation, visceral anxiety about the rudiments of survival, and a faith in myself made more of iron than of innocence. I have also learned to live alone, developed a rigorous emotional independence, a self-directed creative will, and a passionate commitment to my own sense of right and wrong. This I had to learn not only to do, but to want to do. I have learned not to lie to myself about what I value—in art, in love, in friendship. I have learned to take responsibility for my own intense convictions and my own real limitations. I have learned to resist most of the forms of coercion and flattery would rob me of access to my own conscience. I believe, for a woman, I have accomplished a great deal.

The dread comes from memory. Memory of terror and insupportable pain can overpower the present, any present, cast shadows so dark that the mind falters, unable to find light, and the body trembles, unable to find any solid ground. The past literally overtakes one, seizes one, holds one immobile in dread. Each year, near my birthday, I remember, involuntarily, that when I was 25 I was still a battered wife, a woman whose whole life was speechless desperation. By the time I was 26 I was still a terrorized woman. The husband I had left would come out of nowhere, beat or hit or kick me, disappear. A ghost with a fist, a lightning flash followed by riveting pain. There was no protection or safety. I was ripped up inside. My mind was still on the edge of its own destruction. Smothering anxiety, waking nightmares, cold sweats, sobs that I choked on were the constants of my daily life. I did not breathe; I gulped in air to try to get enough of it each minute to survive a blow that might come a second, any second, later. But I had taken the first step: he had to find me; I was no longer at home waiting for him. On my 25th birthday, when I had lived one-quarter of a century, I was nearly dead, almost catatonic, without the will to live. By my 26th birthday, I wanted more than anything to live. I was one year old, an infant born out of a corpse, still with the smell of death on her, but hating death. This year I am six years old, and the anguish of my own long and dreadful dying comes back to haunt me. But this year, for the first time, I do more than tremble from the fear that even memory brings; I do more than grieve. This year, I sit at my desk and write.

Rape is very terrible. I have been raped, and I have talked with hundreds of women who have been raped. Rape is an experience that pollutes one's life. But it is an experience that is contained within the boundaries of one's own life. In the end, one's life is larger.

Assault by a stranger or within a relationship is very terrible. One is hurt, undermined, degraded, afraid. But one's life is larger.

A battered wife has a life smaller than the terror that destroys her over time.

Marriage circumscribes her life. Law, social convention and economic necessity encircle her. She is roped in. Her pride depends on projecting her own satisfaction with her lot to family and friends. Her pride depends on believing that her husband is devoted to her and, when that is no longer possible, convincing others anyway.

The husband's violence against her contradicts everything she has been taught about life, marriage, love and the sanctity of the family. Regardless of the circumstances in which she grew up, she has been taught to believe in romantic love and the essential perfection of married life. Failure is personal. Individuals fail because of what is wrong with them. The troubles of individuals, pervasive as they are, do not reflect on the institution of marriage, nor do they negate her belief in the happy ending, promised everywhere as the final result of male-female conflict. Marriage is intrinsically good. Marriage is a woman's proper goal. Wife-beating is not on a woman's map of the world when she marries. It is, quite literally, beyond her imagination. Because she does not believe that it could have happened, that *he* could have done that to *her*, she cannot believe that it will happen again. He is her *husband*. No, it did not happen.

And when it happens again, she still denies it. It was an accident, a mistake. And when it happens again, she blames the hardships of his life outside the home. There he experiences terrible hurts and frustrations. These account for his mistreatment of her. She will find a way to comfort him, to make it up to him. And when it happens again, she blames herself. She will be better, kinder, quieter, more of whatever he likes, less of whatever he dislikes. And when it happens again, and when it happens again, and when it happens again, she learns that she has nowhere to go, no one to turn to, no one who will believe her, no one who will help her, no one who will protect her. If she leaves, she will return. She will leave and return and leave and return. She will find that her parents, her doctor, the police, her best friend, the neighbors upstairs and across the hall and next door, all despise the woman who cannot keep her own house in order, her injuries hidden, her despair to herself, her smile amiable and convincing. She will find that society loves its central lie—that marriage means happiness—and hates the woman who stops telling it, even to save her own life.

The memory of the physical pain is vague. I remember, of course, that I was hit, that I was kicked. I do not remember when or how often. It blurs. I remember him banging my head against the floor until I passed out. I remember being kicked in the stomach. I remember being hit over and over, the blows hitting different parts of my body as I tried to get away from him. I remember a terrible leg injury from a series of kicks. I remember crying and I remember screaming and I remember begging. I remember him punching me in the breasts. One can remember that one had horrible physical pain, but that memory does not bring the pain back to the body. Blessedly, the mind can remember these events without the body's reliving them. If one survives without permanent injury, the physical pain dims, recedes, ends. It lets go.

The fear does not let go. The fear is the eternal legacy. At first, the fear infuses every minute of every day. One does not sleep. One cannot bear to be alone. The fear is in the cavity of one's chest. It crawls like lice on one's skin. It makes the legs buckle, the heart race. It locks one's jaw. One's hands tremble. One's throat closes up. The fear makes one entirely desperate. Inside, one is always in upheaval, clinging to anyone who shows any kindness, cowering in the presence of any threat. As years pass, the fear recedes, but it does not let go. It never lets go. And when the mind remembers fear, it also relives it. The victim of encapsulating violence carries both the real fear and the memory of fear with her always. Together, they wash over her like an ocean, and if she does not learn to swim in that terrible sea, she goes under.

And then there is the fact that, during those weeks that stretch into years when one is a battered wife, one's mind is shattered slowly over time, splintered into a thousand pieces. The mind is slowly submerged in chaos and despair, buried broken and barely alive in an impenetrable tomb of isolation. This isolation is so absolute, so killing, so morbid, so malignant and devouring that there is nothing in one's life but it, it. One is entirely shrouded in a loneliness that no earthquake can move. Men have asked over the centuries a question that, in their hands, ironically becomes abstract: "What is reality?" They have written complicated volumes on this question. The woman who was a battered wife and has escaped knows the answer: reality is when something is happening to you and you know it, can believe it, and can say it, and when you say it other people understand what you mean and believe you.

That is reality, and the battered wife, imprisoned alone in a nightmare that *is* happening to her, has lost it and cannot find it anywhere.

I remember the isolation as the worst anguish I have ever known. I remember the pure and consuming madness of being invisible and unreal, and every blow making me more invisible and more unreal, as the worst desperation I have ever known. I remember those who turned away, pretending not to see the injuries—my parents, dear God, especially my parents; my closest female friend, next door, herself suffocating in a marriage poisoned by psychic, not physical, violence; the doctor, so officious and aloof; the women in the neighborhood, who heard every scream; the men in the neighborhood, who smiled, yes, lewdly, as they half looked away, half stared, whenever they saw me; my husband's family, especially my mother-in-law, whom I loved, my sisters-in-law, whom I loved. I remember the frozen muscles of my smile as I gave false explanations of injuries that no one wanted to hear anyway. I remember slavishly conforming to every external convention that would demonstrate that I was a "good wife", that would convince other people that I was happily married. And as the weight of social convention became insupportable, I remember withdrawing further and further into that open grave where so many women hide waiting to die—the house. I went out to shop only when I had to; I walked my dogs; I ran out screaming, looking for help and shelter when I had the strength to escape, with no money, often no coat, nothing but terror and tears. I met only averted eyes, cold stares and the vulgar sexual aggression of lone, laughing men that sent me running home to a danger that was at least familiar and familial. Home, mine as well as his. Home, the only place I had. Finally, everything inside crumbled. I gave up. I sat, I stared, I waited, passive and paralyzed, speaking to no one, minimally maintaining myself and my animals, as my husband stayed away for longer and longer periods of time, slamming in only to thrash and leave. No one misses the wife who disappears. No one investigates her disappearance. After a while people stop asking where she is, especially if they have already refused to face what has been happening to her. Wives, after all, belong in the home. Nothing outside it depends on them. This is a bitter lesson, and the battered wife learns it in the bitterest way.

The anger of the survivor is murderous. It is more dangerous to her than to the one who hurt her. She does not believe in murder, even to save herself. She does not believe in murder, even though it would be more merciful punishment than he deserves. She wants him dead but will not kill him. She never gives up wanting him dead.

The clarity of the survivor is chilling. Once she breaks out of the prison of terror and violence in which she has been nearly destroyed, a process that takes years, it is very difficult to lie to her or to manipulate her. She sees through the social strategies that have controlled her as a woman, the sexual strategies that have reduced her to a shadow of her own native possibilities. She knows that her life depends on never being taken in by romantic illusion or sexual hallucination.

The emotional severity of the survivor appears to others, even those closest to her, to be cold and unyielding, ruthless in its intensity. She knows too much about suffering to try to measure it when it is real, but she despises self-pity. She is self-protective, not out of arrogance, but because she has been ruined by her own fragility. Like Anya, the survivor of the Nazi concentration camps in Susan Fromberg Schaeffer's beautiful novel of the same name, she might say: "So what have I learned? I have learned not to believe in suffering. It is a form of death. If it is severe enough it is a poison; it kills the emotions." She knows that some of her own emotions have been killed, and she distrusts those who are infatuated with suffering—as if it were a source of life, not death.

In her heart she is a mourner for those who have not survived.

In her soul she is a warrior for those who are now as she was then.

In her life she is both celebrant and proof of women's capacity and will to survive, to become, to act, to change self and society. And each year she is stronger and there are more of her.

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Staying, Leaving, and Returning

From: *Violence Against Wives*, Dobash, R. Emerson & Dobash, Russell, The Free Press, Macmillan Publishing, New York, 1979

If things are so bad, then why does the woman not leave? The twin questions of why women stay in or why they fail to leave violent relationships to a large extent miss the point: they are based upon the assumption that a woman engages in either one behavior or the other. Most women engage in both behaviors. Some women leave quite frequently but do so with varying intentions about the permanency of that act. Certainly, a few women never leave the house even for several hours, but most women have at some time left, sometimes with every intention of returning and sometimes intending to make a permanent break. Some of the women in this latter category succeed in terminating the relationship; others fail and return home. Thus, what needs to be considered is the part that temporary leaving plays in the relationship, as well as the personal and material factors associated with a woman's decision to leave permanently and her ability to implement such a decision.

Of the women we interviewed, 88% (96 women) did at some time leave after an assault. Of those 96 women 20% left only once, 47% left from two to five times, and 33% left more frequently. Almost half of these 96 women, 48%, spent less than one week away from home on such occasions—often just staying a weekend with relatives. Another 7% stayed away from one to two weeks; 20% from two weeks to one month; 17% from one to six months; and 8% stayed away more than six months. The time away from the marital home usually was spent with parents (44%), other relatives (25%), and friends (18%), and sometimes wandering the streets, in a rented flat, or in the care of neighbors, a social worker, etc. (13%). On many more occasions, women left the house for periods of less than one day; this time typically was spent just wandering the streets or talking to a relative or friend. The pattern of staying, leaving, and returning reflect the complex pushes and pulls of the numerous personal, social, and material factors that motivate the battered woman. The pattern of leaving and returning and the reasons for doing so change over time as the woman's perceptions of her position change and as the couple's relationship deteriorates.

Leaving Temporarily

As has been noted already, the woman initially believes that the violence will not continue and that her husband will reform. At this point she may go to her parents' house for a few hours or a few days in order to emphasize her objections to such treatment and to try to hasten what she believes will be the process of reform by letting her husband see what it would be like without her presence, her affection, her domestic work, and, in many cases, her financial support or contributions. The intention is not to leave the relationship permanently but to try to gain some form of redress and to change the relationship by removing the violence from it. At this very early stage the sequence of events is almost always the same: the woman's husband goes after her, apologizes for hitting her, acknowledges the error of his ways, promises that it will never happen again, reaffirms his affection for her, and pleads with her to come home.

> *Why did you go back?*
>
> Oh, because he gave me so many promises that it was unbelievable.
>
> Well, he kept coming up to my mother's and at first I thought maybe it taught him a lesson.
>
> Because I was sure there was something in me that could make the marriage work. I was quite positive about that.

Initially, the woman almost always is forgiving (though sometimes not for several days) and she goes home in the belief that her husband will change.

> I wanted to try and make a go of it and find the things that were going wrong. It might have been just a period he was going through, you know. I mean you cannae just walk out at the first thing. For all I knew it might have been something out of the blue that happened and whether it was going to go on again or not. I tried to make it work, but it didnae.
>
> Angus contacted me and he said he wanted me to go back, he would never lift his hands again, it wouldn't happen again. So I went back. I was only back for about a fortnight when the same thing occurred again. So I left again. And I came [to the refuge].

This pattern may be repeated several times before the woman gives up her belief in his promises of reform.

> I've left him and I've been back but it was against my grain. I didnae want to go back again because I knew for certain that he had no intentions of changing and he didnae want to change, but he ... kept coming up to pester me at my mother's and kept talking to my dad and keeps telling my dad how much he loves me.

> The last time he begged and pleaded with me to go back home and he said he loved me and he didn't want me to get a divorce and all this. And even if I did divorce him he'd still come up and see me and all this, you know, and he'd want me to marry him again and all this. So I went back to him, but I wasn't sure myself. I mean, I told him before I went back that I wasn't sure of my feelings. I didn't think, I certainly didn't feel, about him the way I did when I married him, you know. I told him that I just didn't feel the same way about it and he was quite willing to make a go of it and he said he would try to get my love back and all this, but things got worse. I just hate him all the more now.

Later, the woman, may leave for a temporary respite from the beatings and go back home without any hope of change. She returns because she believes that it is right to keep the marriage together and because others encourage her to keep it together. Often, however, she returns because she has no alternatives that would allow her to leave permanently and set up a new life.

Leaving Permanently

Several researchers have commented upon the numerous personal, social, and material reasons why women fail to make a permanent break from a violent relationship. Truninger interviewed 30 women from California who had been beaten by husbands or cohabitants and offered several explanations for why the relationships were not terminated by divorce (although this, she maintained, was one of the few effective solutions): a negative self-image creating doubts about the ability to be successful on one's own; "romantic delusions concerning married life," which fostered a belief that the husband would reform and/or "that marriage must be preserved at all costs for the sake of their families"; difficulties of financial support; low prospects for employment; lack of child care facilities; and the "extensive psychological pressures" to which "society subjects divorcees." Carlson's study of women in a refuge in Michigan noted that the reasons for not leaving permanently included a devastatingly low self-concept, isolation, and fear of living independently. Roy, in studying 150 American women who had contacted Abused Women's Aid in Crisis, isolated two main factors—hope for reform and no place to go—although fear of reprisals, children, economic dependence, fear of loneliness, and stigma of divorce were also mentioned in decreasing order of importance. Levinger, O'Brien, and Gelles all noted that a woman is more likely to leave when the violence is severe or frequent. Gelles also found that women who had experience with violence as children were less likely to leave or to seek intervention, as were those who were more "entrapped" in marriage because of lack of educational or occupational resources. He also cited external pressures from various social agencies as another factor influencing a woman's actions. Added to this list of factors deterring a woman from leaving a violent relationship permanently are two others that are much more tenuous: the woman's supposed acceptance of violence as normal, as well as the woman's supposed masochistic tendencies. In the following discussion, we will examine many of these personal, social, and material factors as they affect a woman's decision to terminate a violent relationship and her attempts to implement that decision.

Women who do consider the possibility of leaving the relationship permanently usually do so, at least initially, with very mixed personal feelings about themselves and their husbands. It is not easy to decide to leave a man who may not be "all bad" and to give up a marriage that may have many positive features. When women were asked to evaluate their marriages apart from the violence, their ambivalence was evident.

> Well, I've always had strong feelings for him and I know that he has for me.... I'm willing to make another go of it but for the last time.

> They used to tell me to get rid of him, but when you feel something for somebody it's difficult.

> As far as he was concerned, I was perfect and if anybody said a wrong thing about me, you know, he would argue that black and white that I was perfect. We had perfect kids. It's unbelievable. That's why it took so long to demolish all the feelings I had.

> When I saw him, I used to start feeling sorry for him and I went back to him. I used to be that determined that I wasn't going back and he'd talk me into it.

Leaving permanently means giving up the status of a wife and taking on the still somewhat stigmatized status of a divorcee and learning to live alone and independently. In our society the status of wife is deemed to be so necessary to a woman's identity that she may have considerable difficulty thinking of herself in any other way; thus, she will not readily give up that status. Moreover, a woman who has been dominated, controlled, and frightened for years has lost a great deal of self-confidence and self-esteem. The prospect of living on her own may be frightening.

> *Why do you think you stayed with him as long as you did?*
>
> Fear, I think. Fear of going, fear of staying.

The experience of women who have gone to refuges that emphasize self-help illustrates how unfounded this fear really is and how quickly and remarkably women become independent especially in a supportive climate in which they are encouraged to take control of their lives by making decisions and taking actions that affect their daily lives as well as their future.

In order for a woman to leave her husband permanently she must overcome not only personal fears, the loss of status, the ambivalent feelings about her husband but also the deeply ingrained ideas that marriages should be held together at almost any cost, that the split up of a marriage is mostly the fault of the woman, and that a broken home is worse for children than a whole, though violent, one. These cultural notions are urged upon her by friends, relatives, and representatives of social agencies.

One of the central concerns raised about the split up of a marriage is that of the consequences for children. Their material and emotional welfare takes on a primary importance both in the woman's decision about leaving and in the various forms of advice, pressure and/or assistance given by others. Children are also central to many of the financial and material problems the woman will face in trying to implement her decision to set up a new life.

Children

The most common reasons given by women for leaving their husbands, or staying with them, or returning to them are related to children. Women stay for the "sake of the children"—in the belief that children must live with their father, come from a good, stable home, and not be stigmatized by coming from a broken home. They also stay in order not to disrupt the children's schooling or friendships.

> I thought they should have a daddy, you know, so I always went back.
>
> I would have liked my marriage to work for the kids' sake. I don't like the idea of them growing up and just with me, you know. I mean, you hear of kids in trouble and they say, "Oh, well, their mother and father's divorced." "She's a widow." Things like that, you know. And it worries me really.

Women also stay in a violent relationship because of the practical difficulties of leaving with children in tow. Since the responsibility for the physical care of children usually rests almost exclusively with the woman and since she will almost never consider leaving without taking them with her, they will present a very great strain upon her limited or nonexistent income or upon the facilities of those who take them in.

> I used to leave and go to my mother's but that wasn't an answer either because he kept coming up.... And you get to the stage, you say, "Well, where can I go? There's nowhere else." And, let's face it, when you've got four children, you really need a home of your own. When you go and stay with somebody, it doesn't matter who it is, it's alright for a wee while but not forever.

Women do, however, also leave for the sake of their children, especially if the physical abuse that they have long endured begins to spill over onto the children. Women will rarely tolerate it if the children are also being beaten or treated badly. She will make this limit perfectly clear and if it is crossed, which is not often, she will either pull out all stops in order to reestablish it or leave and take the children with her.

> He never ever marked the kids. I mean, if he ever would have done that ... I would have been, I'd have been through him.

After a particularly violent assault upon this woman, the violence did spill over onto their daughter and the woman responded with great fury and a determination to leave.

> He hit my daughter. As I said, I was lying in bed. I could hear the kids up and him. And he had asked Jane to put on a boiled egg for him and then he'd asked her to do something else and all she said to him was "Och, I cannae do two things at the one time." And he started battering her. I mean, I jumped, you know, and I ran in and I got a hold of him. I says, "Don't you dare." I says, "You leave her. You've done enough damage when you do it to me. You're not going to do it to her." I said, "That's enough." So this time I said somebody will need to help me because I think I'd eventually either've killed him—I think I'd have done something to him or myself if I couldn't have, you know, managed it with him, if I couldn't have got rid of him. I'd have to have done. I mean, it was really desperation.

Another woman had a terrifying experience when her two young daughters went missing at two o'clock in the morning. Earlier in the evening her husband had backed her up against the fireplace and was beating her when their son came to his mother's defense and, for the first time in his life, hit his father. The two younger girls heard this and could take no more, so they left their beds, crawled out the window, and went to hide.

> I said to [my son] Alexander, the lassies arenae in bed. Well, even he, big laddie that he was, he was crying, you know, they're all that close... I says, "Oh, where are they?" So I went outside and I shouted on them and I was going mad, you know. It wasn't the fact that I'd had a belting—that didn't bother me. It was the fact that the lassies were oot in the dark and they were scared stiff. I couldnae find them, and I knew they'd taken blankets off the bed because the blankets were gone, and I went out with a torch [flashlight]. And here, underneath the hoose, we had a kind of cellar where the kids had a playroom, where they put their big toys, bicycles and things, and I happened to look in there and there they were sound asleep on the floor, with their blankets, underneath the hoose.
>
> My husband knew if he ever did anything to the kids I would kill him. I would have killed him, and this was the nearest thing I could think of. How could he do this to the wains, you know? Lying there, they were like a pair of orphans lying on the stair, sleeping right

> enough. So on my way up I gets the axe and Alexander's getting the lassies up the stair, you see, lifting their blankets. So I ran up to the shed and I got the axe and I went in and I was standing like this. I would have, I mean, that would have been him. I would be in prison today if it hadn't been for Alexander, because I was standing there and he took the axe off me. He said, "That'll no solve anything, mum."
>
> *So that was that?*
>
> Aye, and we had a cup of tea. I mean, I was glad next day. Well, when I'd come to my senses, you know, I was. I would never have done it. No, I would have. I would have made sure the kids wouldnae suffer. I mean, I wouldnae let them take that from him. I could take that, you know, I could take it, but I wouldn't let him do that to the kids.

Incidents such as these usually were isolated ones and the men who systematically and brutally assaulted their wives did not typically treat their children in a similar fashion. For example, in our analysis of 933 police and court cases of assaults on wives, we found that only 13% (125) involved any form of physical violence directed at a second person. A closer look at these 125 cases revealed that half of them (62 cases) involved the couple's children; the remainder, other relatives (33 cases), acquaintances (17), police (9), boyfriend (2), wife (1), and a stranger (1). Most of the incidents occurred either when a child intervened on the mother's behalf or when he or she became the unintended target of a blow directed at the mother. In a few cases the woman was assaulted as she intervened on behalf of a child who was being assaulted by his or her father. Our interviews also revealed that the great majority of violent husbands did not treat their children brutally or beat them. This is not to say that they did not hit their children (42% almost never hit their children and another 23% hit them no more than three times a year), but most of the children were hit infrequently by their fathers. They usually were slapped or given punishments not intended to do them any injury or severely to intimidate them. In about 3% of the cases one of the children was singled out and subjected to severe forms of physical violence either for coming to the mother's defense or for failing to meet the father's very high expectations. About 20% of the men did at one time or another hit or punch one of the children, usually the eldest, very hard, but most of the men were in fact quite concerned about their children's welfare and did not mistreat them even though the women complained that their husbands did not take a sufficiently active part in rearing the children.

> He's never threatened the kids right enough. Although he might hate me, really ... loves the kids.
>
> I mean, that's one thing about him. If he comes in and I say, "John's no well. He's in his bed," he says, "get a doctor," you know, or "Take him to the doctor and make an appointment." Things like that.... He worries about the kids.

In many families the children were protected not only from the violence itself but also from the knowledge that it was happening. Often they were put out to play before their mother was hit or the beating occurred when they were asleep and at least in theory out of earshot. Nevertheless, concealment is very difficult, if not impossible, to keep up. In this sense, the child's primary role in the violence is that of witness to it.

The children's role as witnesses was quite varied and had numerous effects both upon the violence itself and upon them. For example, their presence often resulted in the limitation or cessation of the assault.

> When the kids were there and upset it died down pretty quick, but when it's just the two of us it could go on and on and on.
>
> He was still angry enough to fight with me and I think if the kids weren't there he would have went further. It was only the kids that stopped him, you know. And my son, he came up the stair, and then the kids were talking about it. Patrick was telling Christopher that his daddy was going to throw me out the window and Patrick was walking behind me saying, "Was my daddy going to throw you out the window?" and all this, you know.
>
> It got to the stage where he wouldn't hit me in front of them. As soon as he knew Cathy was in, he seen her coming, or he seen Paul, he'd let me go.

In some families, however, the children were called in to witness their mother's punishment as an additional degradation to her.

> Oh yes, they've seen me be hit. He used to delight in lifting them up out their beds so that they could watch.
>
> And this was 2 a.m. and he sat on the chair and sat and told me everything he thought about me and he dragged the full three kids out their beds and made them all sit. He lined them right up against the couch and told them all what I was. He says to them, "Now you see her, she's a whore." And he'd say to Chris, "See her, she's a cow." And the bairn was only months old, and he'd say to them, "See her, she's nae good. She's dirt. That's what women are. They're all dirt. There's your daddy been out working all day and there's nae tea ready for him. See how rotten she is to your daddy." And all the bairns were dragged out of their beds for nae reason at all.

Even though her children often were the only witnesses a woman had to use in a court of law, most women we interviewed were very reluctant to subject children to this and therefore failed to take legal action.

> The police came down to me with this citation and it was for my two wee girls as well. They were getting brought up in court as witness against their father. Well, I didnae want that because I've never been in a court. I didnae

> want it. So I wrote my husband a letter telling him this and would he change his plea to guilty cos he plead not guilty. And he wrote back saying no, he wouldn't change it and he sent a pass out. He wanted to see me. So I went up to the jail, but he was awful bitter.

When we asked women what effect the violence against them had had upon the children and might have in their futures, the women always reported different responses for each child. Some children either were too young to know what was happening or were carefully kept from finding out. Others were aware of the violence but seemed to be able to cope with it without too much difficulty; some became nervous, clinging, wet the bed, were prone to hysterics at the first indication of an altercation, or grew very resentful toward their father.

> *What about in the future? Do you think, well, how do you think it'll affect them then?*
>
> I don't know about Mary. I mean, she is very, very strong indeed at the moment, and she's the type that can stick up for herself.It might affect her, you know, as far as her relationship with men later on. I'm quite sure it will because she's no going to take anything like this from them. Susan is kind of young to think that. She's kind of young for me to say it'll affect her in any way later on in life, but I don't think so cos she's very even natured.
>
> My kids don't want to go back. My son, who's only seven, he's not really had a very good life. He's seen an awful lot of this and he's even that nervous. He is a nervous boy, you know. He gets awfully upset and he says to me the other night, "Don't go back. Don't even talk to my daddy." I says, "I'm not going back to him." He says, "But don't even go to see him because you know what he's like. He'll talk you into it and you'll end up going back." He says, "Just get married to someone else and get us a new daddy." He says, "Just stay away and get married and we'll have a new daddy and just forget about him."
>
> Well, my daughter always stood in front of him. She came between us and she'd say to him, "Leave her alone. Stop hitting her," you know, these sort of things. Well, my daughter I believe is really upset inside, you know. She pretends that she's, you know, quite able to take it.... I don't believe she is inside. Because she has seen most of it, you know, going back. Ian hasn't, and the younger ones haven't, but Joan was the one. She saved me on quite a number of times. She really did.

Learning Violence

One of the common questions and concerns about the children and whether to remain in the home or take them out of it focuses on the extent to which they will learn to be violent by living in a violent home and by witnessing their father beat their mother. Most of the research on learning supports the contention that children are more likely to use physical force when it is used against them and when they observe it being used by people with whom they identify as an effective means of achieving some desired goal. Though we do not deny that direct observation is one means by which children may learn to accept violence, to identify which family members are the most "acceptable" targets, and to know which circumstances might be considered "appropriate" for the use of violence, it would be erroneous to leap to the conclusion that all children who witness assaults on their mother or other forms of violence between family members are necessarily the seed pods of the next generation of violent families. This assumption, however, has been confidently made by many people, some of whom are supported in their belief only by folk wisdom, others by limited personal impressions, and a few by incomplete or highly inadequate research data.

Since this view on learning violence and its intergenerational transmission has wide-ranging and serious implications both for the children concerned and for those who deal with the problem of wife-beating, it deserves thorough analysis and study before it is either accepted or rejected. Let us make a few observations and point out some issues that we believe should be considered in a more thorough examination of the possible intergenerational transmission of violence. First, it should be clear by now that the use of various types and degrees of physical force between all family members is far more prevalent than was once thought. Thus, many more children than previously suspected come from homes in which at least some physical force has been used. Second, there is considerable variation in the frequency and severity of the force used, and research findings are likely to be misleading if they do not provide specific and detailed information on the nature and extent of violence observed or experienced by the child. Third, a child who does observe the use of physical force in the family of orientation may learn many other things rather than simply mimic the violence or identify with being a victim of it. Children may learn to accept, admire, emulate, or expect such behavior, but they may also be repulsed by it and reject its use. It would be naive in the extreme to assume that a child is such a simple creature that he or she learns only one thing from what he or she observes, and that is to emulate the observed behavior in a robot fashion.

Learning theorists propose numerous models of how children learn at various stages in their social, emotional, and cognitive development. Those who have analyzed the processes of human learning note that even when we are explicitly trying to teach a person something we may unintentionally teach many other lessons, which sometimes contradict the one purposely being taught. Another very important point made by researchers in human learning is that human beings continue to learn all their lives, and as important as childhood experiences may be, the learning process is not arrested at the childhood stage. These considerations should enter into any assessment of the legacy of violence.

Children who observe their father beating their mother (or experience such beating themselves or observe other forms of violence) are observing not merely the effective use of physical force in order to achieve certain goals but also the pain and suffering such treatment brings to the victim, as well as to other people involved. So while their father may be giving the children a model to emulate, their mother may be going to great lengths to teach them that such behavior is wrong and that they should treat their future wives better or expect better treatment from their future husbands. Children are usually very idealistic and have a relatively well developed sense of justice, and it is certainly equally likely that they view physical violence as evil and to be avoided rather than as beneficial and to be emulated.

> *Do you think it will affect them when they grown up?*
>
> I hope not. But with Johnny ... it's amazing what that kid says to me. [He'll say], "See, when I get married I'm never going to hit my wife. I'm going to work all the time and earn money for her and I'm going to help her in the house." I mean, he's only seven, and he said this before he was seven. He's saying to me, "I'm going to let her go out to the bingo if she wants ... and I'm not going to hit her and I'm going to wash the dishes for her," and things like this ... I'm hoping it will make him a bit wiser when he is older, you know, when he gets married. I hope he'll remember the bad bits and try not to do that to his family.
>
> It's as if they understand what I'm going through and they're trying to help me. I mean, the other day we were sitting in the kitchenette and we'd just finished our dinner and Davey lifted the plates and went and washed them. He was standing at the sink, my wee boy, and he stood there and he came over and he said, "I've washed the dishes for you." I mean, see, it was my birthday and he wouldn't let me wash the dishes. He washed the dishes up all day long because he hadn't any money to buy me anything, so he washes the dishes for me. He's really marvelous. They're all good, really.
>
> *And what about the boys? How do you think it's affected them now that they're grown? Their engagement and their treatment of girls?*
>
> It's had the opposite effect on the boys. It's had the effect I'd hoped for. I used to say to them, "I've had to spend my time telling you this," that this wasn't the right thing for men to do, that they hadn't to treat a woman like that. They should treat a woman the way they'd like their own sisters to be treated, you know.... So it did work, whether it was that or whether in their own inside they say to themselves, "Well, I'm no going to be like that. I've seen how my mother suffers. I'll no do that to any woman." I've tried to tell them, so I think it's worked. They're hard working, safe, look after their money. They're just normal blokes. They never have any trouble. They wouldnae hurt anybody. I mean, they're very hale and hearty boys, and they're well brought up. So I've won, you know, I feel a great—I've a great satisfaction in knowing that all the time I did spend trying to teach them the things that their father should have taught them, I've won in the end.

We can see that children within the same family are differentially exposed to or aware of the violence directed at their mother and that they respond in distinct ways to this experience. Therefore, it is wrong to assume that all children of wife beaters, or any of them, for that matter, will learn to accept or imitate the violent behavior they see and will grow up violent themselves or victims of violence. In fact, when we asked women about violence among their own adult brothers and sisters, as well as among those of their husband, a very striking pattern of nonviolence emerged. Of all the couples' siblings only 12% were in any way violent either to their wives or children or to others. If they had been exposed to and learned violence in their home, then one must ask why 88% of their brothers and sisters did not also learn the same lesson.

This finding emphasizes one of the major problems with studies on the cycle of violence thesis. Most have taken a sample of people known either to be violent in some way or to be victims of violence and have looked into their backgrounds for any evidence of violence in the family of orientation. Little attention has been paid to the siblings of the individuals studied and little effort has been made to specify what a violent background is. We see at least two very serious flaws in such research. First, we can say that almost everyone comes from a violent household if our definition of violence is sufficiently vague. The confirmation of the thesis is made simple, although it is relatively meaningless. To discover that a murderer was sometimes slapped by his mother or father may superficially confirm the cycle of violence theory, but such confirmation is suspect indeed. Second, confirmation of this thesis would also seem to require knowledge about whether or not the siblings of the violent person, who may or may not have come from a violent background, are themselves violent. If we discover that a man who beats his wife comes from a home in which his father beat his mother but that his three brothers do not beat their wives, then we have one case that appears to confirm the cycle of violence thesis and three that refute it. In short, conclusions about the long-term effects upon children of observing or experiencing violence in the home will be incomplete and suspect until we have conducted much more sophisticated and highly specific studies of violent individuals—from both violent and nonviolent backgrounds—and their siblings, as well as of nonviolent individuals—from both violent and nonviolent backgrounds—and their siblings.

Though concern about the children of battered women is very important, it should not be the only or even the central concern. There is great danger that this will happen. It is not uncommon to hear both social service representatives and abused wives claim that they are concerned only about these children. Surely, it is not possible to care about, or do very much for, the children of battered women without caring about and doing something for their mothers, who usually are the sole victims of the violence. To a great extent the overriding concern for the children of women who are being beaten reflects the idea that in the hierarchy of worth among family members, women are the least important or are not important at all. Quite often, the problems of women assume importance only when they affect family members of greater worth—children and husbands. This devaluation of her problems is often so extreme that the battered woman feels she has little or no right to leave the marriage in order to free herself from harm or to seek help for herself, and this idea tends to be reinforced by outsiders and even imposed upon her. But even women who accept this view in general, as would be expected after a lifetime of learning, may eventually be forced to reject it.

> I think a good wife is somebody that sees to her husband and family, not necessarily in that order, but completely, the whole family, giving and taking. She must have some—I mean, it's alright being a good wife and mother—but she must have some time to herself for to be herself and no be just something for the family.
>
> I'd asked the doctor several times, "I'll need to get away. I can't stick it staying there." It was pure mental torture. And he says, "You'll just have to stick it for the sake of the wee ones, you know." And at that stage I thought, "My God, all anybody can ever say to me is 'the wee ones, the wee ones,'" What about me?

Surely this hierarchy of worth is damaging to everyone and should be eliminated from all social policies that operate to entrap a woman in a violent marriage "for the sake of the children."

Alternatives to the Violent Marriage

The pattern of staying, leaving, and returning is not related just to personal concerns, say, the children's happiness, but also to structural or material factors such as financial support, accommodation, and child care. In order for a women to get out of the house even if it is only to escape the violence temporarily, she must have some money and a place to stay. In order for her to leave permanently, she must have sufficient funds to support herself and her children and be able to find suitable accommodation. Involved in this are a whole host of material problems which are sometimes insurmountable and over which the woman may have little or no control.

Despite the fact that a substantial proportion of women are now the sole wage earners in their families and an even larger proportion of couples jointly support their families, many women are either completely or substantially dependent upon their husbands for financial support. The concept of the dependent wife does, of course, continue to permeate most of our social institutions and results in many arrangements that limit the battered woman's opportunities to become financially independent and thus able to establish a reasonable life, or any life at all, apart from her violent husband.

Because women are still to some extent expected to be partially or totally dependent upon their husbands for financial support they are much less likely to have been trained either at home or at school to take on financial independence or to see wage work as anything other than a part-time or temporary activity. Much of the organization of wage work is also based upon this principle and many businesses either exclude women or include them in dead-end and low paying jobs. Women tend to be channeled into positions in which they serve men (secretaries) or nurture others (playschool attendants, nurses, teachers). Most women, like most men, work in factories and service industries and it is well documented that women have poorer prospects of getting such jobs initially, that they are more likely to be hired into jobs that are low paying, and that they are paid less for the same work men do. Also, they are likely to be the first to be laid off. The Finer report thoroughly documented the dire circumstances of single-parent families (usually headed by women) in Great Britain, illustrating how difficulties in the areas of housing, finance, and child care, among others, are in part the result of the legal and economic structures, which actively discriminate against women in general and female heads of households in particular. Perhaps one of the most abbreviated statements on the financially dependent status of the British wife is contained in the income tax form, which states that a married woman should treat her income as though it belonged to her husband and all contact with the tax office, even on matters that concern her alone, should be made by her husband. Martin documented the economic dependence of the battered woman in America, and her findings are similar to others in the more general area of women's employment.

Closely related to problems of finance are problems of child care and child support for a woman who does work. Day care facilities are very limited, and an underpaid woman is likely to spend a considerable portion of her income on child care. Martin noted that although there were 36 million working women in America and one household in eight was headed by a woman in 1974, there were only about 1 million licensed day care places available for the more than 6 million children under six who had working mothers. She also noted the low wages usually earned by women and the problems that divorced women have in getting money for child support from their husbands.

For many women the first financial hurdle is getting enough money to get out of the house. Pizzey recounted the story of a woman who got on a bus without a penny in her pocket to pay the fare, and Eisenberg and Micklow described the predicament of a woman who spent a long time saving $1.70 with which to escape. Martin told a story of a woman who found it almost impossible to get hold of just $5.00, and there were numerous similar cases in our own research. If a woman runs from the house in her nightgown and bedroom slippers without any money in her pockets or spends her last pennies on bus fare, she is in no position even to consider trying to find shelter that is not both temporary and free. She may walk the streets (if she was fortunate enough to be properly clothed when she fled) or she may spend the night with a relative or friend, but in most cases, she must soon return home because she can afford to do nothing else.

> Sometimes he just threw me out and I had to walk the streets until it was morning and he went out.
>
> My friend loaned me the money for bus fares to get away, but I didn't know where I could go.
>
> I had to go back, I mean, where can you stay with three children?

Even if a woman plans her escape well in advance, the difficulties of obtaining and paying for accommodation are still very great. Without sufficient money or at least a subsistence level of income, the woman has no alternative except various forms of social security or welfare, and it is debatable whether they are a real alternative. It is only with the opening of refuges that short-term accomodations—in much greater demand than supply—have become available. For women who have escaped to a refuge, finding another place to live becomes a major preoccupation and a prerequisite for a new, violence-free life.

> *Probably quite a lot of people wonder why you stayed with him as long as you did. Why did you?*
>
> Well, as I said before, you leave them and you go and stay with somebody. Even if it's your parents, you've got small children and they've got their family, so therefore it does tell. A strain shows on everybody concerned. You go to the welfare for help and you get told you can't get help. There's nobody can help you.
>
> You can't get a house of your own. The only way that any battered wife, or a person in my position, could help themselves is if they had money. That's the only way and that's one thing that very few of us have.
>
> Even if you do get a house, I mean, let's face it, you just get the bare essentials. You don't get anything. If you would like to take your kids out or go with your kids anywhere, you would need to sit down and work out a right tight budget because everything's that expensive.

Britain has far greater provisions for public housing than does the United States, but even there this hurdle is fraught with difficulties, delays, and barriers, and is sometimes made impossible or so intolerable that the woman leaves the refuge and goes back to the violent home in despair.

But why do the women and children have to leave the home? Why does the victim have to flee to the streets while the offender remains by the fireside? Unjust as it may seem, this situation reflects the traditional position that the house belongs to the male head of household. Although, to some extent this has been rectified by law, it is still very difficult for the woman who has been beaten to remain in the family home while the husband is forced to leave.

> See, this time, I'd rather we had a discussion. Well, I realize my marriage is finished because any feelings I had for him, they're dead. I couldn't feel anything for him again because he's done that much hurt to me that I don't know if I'll ever get over it. I don't suppose I will. I don't think I'll ever feel deeply for anyone again, you know. That's that ... If a man could leave and maybe go into lodgings or buy a flat on his own and give the wife the home ... it would be a lot easier for everybody concerned, but this is a thing that you cannae do with these men. It's you and the kids to get out, you know, and they don't give a damn what happens either.

Alternative housing in the private sector is, of course, even less available to most women than public housing. Getting and keeping a job that pays enough to support a family and meet child care costs is very difficult. It is almost impossible for a woman to survive on her own at anything other than a subsistence level, if at that. The woman who leaves her husband may also lose many of her belongings and, of course, the home she has built up over the years. Equally important, however, is the potential increase in isolation. One worker from a refuge summarized the problems of women who move to another house and find themselves without their old friends and neighbourhood babysitters. She was told by a woman who recently had been rehoused that things were very hard and that they would get worse as winter set in. By this she meant that as the world became cold and dark and getting outside became more difficult for her and the children, her loneliness and isolation would increase. Also, Christmas was coming—at a time when families should be together loneliness is harder to bear. With all of these difficulties, it is no wonder that many women never leave a relationship or that they go back numerous times before they even consider, much less attempt, a final break. Surmounting all of these obstacles and making a final break is truly a leviathan task, and even the most determined fail numerous times before succeeding. Yet many people believe that a woman gets only one chance to leave; if she fails, she does not deserve another. Rather than being seen as a necessary part of the process of leaving a marriage and a reflection of the difficulties of doing so, leaving a marriage and then returning is usually viewed as a sign of capriciousness or lack of sincerity, resolve, or determination on the woman's part.

If we reconsider the question of why the battered woman does not leave and never go back, we can see that both the question and its answer eliminate the moral indignation that should be aroused by wife beating. The question is a simple one: leave or stay. The answer is thought to be equally simple. But the answer is also thought to measure the "true" extent of the violence and the direness of the woman's predicament. If the woman leaves, then things must have been as bad as she claimed and she must be sincere in her desire to be free from violence. If she stays, then things must not be that bad, or she must not really mind the beatings as much as she says she does, or she must accept the violence as a normal part of life. Indeed, some would argue that if the woman does not leave a violent husband, then she must somehow be drawn by the excitement or danger of the situation or see her husband's behavior as a sign of his masculinity or believe it indicates love for her. It is maintained that the woman cannot prevent herself from engaging in behavior that is likely to result in her own abuse or that she actually likes being hit. The ideas of masochism, pathology, or acceptance of violence certainly have caught the public imagination and are a part of the mythology about battered women despite findings to the contrary.

Violence Against Wives

To accept the masochistic explanation of why a woman does not leave a violent relationship is very comforting. It removes the moral outrage over the wife's victimization and it means that outsiders can quietly ignore the problem without feeling guilty. If the woman is "used to violence," "doesn't mind it," or even "seeks it," then why should people go out of their way to help her or lose any sleep over the fact that they have done nothing or have failed to respond to her requests for help. We have spoken with hundreds of battered women from Britain, the Continent, and North America and we can say unequivocally that not one of them liked being beaten or found it exciting. None of their actions were aimed at eliciting a violent response. It is essential to reemphasize the points made in the discussion about provocation and to consider whether it is normal and acceptable for a woman to argue about an unreasonable demand, or any demand made of her, or to complain about an unjustice, or any treatment she has received, or to negotiate for money for food or rent, or to make a request for herself. Should such behavior be seen as abnormal, unacceptable, and thus directly or indirectly calculated to push the husband to a violent response? If we view such behaviors as provocative instruments of masochistic desires, then we deny the woman even the most meager rights of independence and individuality and make her husband the sole arbiter of her acts. If we define as masochistic the woman who cannot find a job or provide another home for herself and her children or resolve her mixed feelings about remaining married, then once again we make the error of blaming the woman for being beaten. In so doing we not only fail to grasp the nature of the problem; we also commit a grave injustice.

Executive Summary of Wife Assault
A Policy Paper of the Ministry of Attorney General

This paper deals with a subject of increasing concern to officials of the justice system, to governments across Canada and to the general public—the assault of wives by their husbands or common law partners. It recommends that the justice system emphasize the criminality of wife assault and take the necessary measures to ensure the protection of the women concerned. This proposal, if accepted, will form a major part of a coordinated provincial position being developed by the Ministries of Health, Human Resources, Education and the Attorney General, under the direction of the Ministry of Labour's Office of Women's Programs.

The information and recommendations contained herein follow from a review of current research and policy analysis contained in major reports of the federal government, the Province of Ontario and various non-government organizations, together with an examination of current practice throughout the justice system in British Columbia.

Wife assault, for the purposes of this paper, is defined as physical assault or the threat of physical assault of women by men with whom they have or have had an intimate relationship, whether or not they are legally married or are living together at the time of the assault or threat. It is estimated by researchers and professionals working with assaulted women that one-tenth of the women who live with men as a couple will be assaulted during that relationship.

The problem is not a simple one, and it is further complicated by a number of myths and commonly held assumptions which have served to impede its resolution. Fears of breaking up families and concerns about the willingness of the women to follow through with criminal proceedings have served to limit justice system involvement in this area. Recent studies indicate, however, that these fears may be unfounded, i.e. that law enforcement may serve to reduce the violence and thus contribute to stabilizing the family unit and that, when the initiative is assumed by the justice system and support provided, women will be more likely to cooperate with the criminal process.

In general, the justice system response to date has been to consider wife assault as primarily a domestic or social problem which is best handled outside the criminal justice system. Police have tended to emphasize their "order maintenance" function as opposed to a "law enforcement" role. In practice, this has meant directing a couple towards counselling or conciliation services rather than dealing with the criminal nature of the assault. Recent enquiries into the matter indicate, however, that this approach has been ineffective in reducing the incidence of wife assault and inadequate in terms of protecting the woman concerned. Various projects in Canada and the United States have shown that, when coupled with effective law enforcement, counselling can help prevent the repetition and escalation of violence; however, these conciliation or counselling efforts should be a supportive or secondary function and not a substitute for law enforcement.

This report contains a number of specific recommendations directed toward individual components of the justice system and aimed at developing a more coordinated and effective response to wife assault cases. The recommendations are inter-related and would follow naturally from endorsement of the four principles set out below:

(1) The criminal nature of wife assault must be formally recognized.
(2) Clear policy guidelines and procedural instructions must be provided to all components of the justice system, reflecting the policy that wife assault cases should be treated as criminal offences.
(3) Orientation to this revised Ministry policy and related procedures is required for police, Ministry staff, those working with assaulted women and the general public.
(4) Implementation of the recommended changes in policy and practice must be monitored and regular reports made on the effectiveness of these efforts.

Ministry endorsement of these principles would have practical benefits not only for assaulted women but for the justice system personnel who are regularly confronted with this problem. The enquiry into current Ministry policy and practice revealed considerable frustration, particularly among police, in dealing with this issue. The coordinated approach proposed would provide the framework to help resolve many of the difficulties currently encountered.

Most of the recommendations contained in this report can be implemented through the reallocation of existing staff time and budgets. Those recommendations which require additional resources generally fall within the later stages of implementation, and delay in the availability of resources would not significantly detract from the positive impact of the policy and procedural changes proposed.

It is requested that the Executive Committee approve in principle the recommendations of this paper, seek whatever further endorsement is necessary to proceed with its implementation and assign responsibility for the coordination of implementation to the Policy Planning Branch of the Ministry.

Respectfully submitted:

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1. Police

In most wife assault cases which come to the attention of the justice system, the police are the first point of contact. It is therefore imperative that clear and consistent guidelines be available to police to assist them in their handling of those cases.

We recognize that domestic calls pose a real problem for police officers. The threat of injury or death in the process of attending to domestic disputes is felt to be high. Once on the scene, the officer is confronted by a situation which appears to require more than law enforcement skills. The officer's attitude may reflect society's belief that the family is a sacrosanct unit and that problems should be resolved without police intervention. If there must be intervention, police may consider social service agencies to be more appropriate than police. Frequently, it appears that many police consider their involvement in domestic disputes to be frustrating and impractical because they perceive the victim as someone who will later insist that charges be withdrawn. The officer may also be concerned that by intervening he will be placing the woman at risk of additional violence by a man who is further angered because she has involved the authorities. In fact, the limited evidence available is to the contrary. Of the women in the London study who proceeded to court, 62% reported that the process helped to reduce or terminate the violence.

We had neither the time nor the resources to conduct a statistical review of police handling of wife assault cases and are therefore unable to provide statistical data for British Columbia; however, our police survey revealed considerable discrepancy in police practice around the province and some confusion on the part of police about the extent of their authority. A major problem appears to relate to the swearing of informations and the laying of charges. In many places it is police practice to advise victims of domestic assault they must appear personally before a justice of the peace in order to lay an information. In some areas, a "cooling-off" period is enforced. Most "cooling-off" periods range from one to seven days. In some cases the police are supposed to re-contact the woman to see if she wishes the case to proceed. In one R.C.M.P. detachment, however, the "cooling-off" period is eight days and places the onus on the woman to re-contact the police. Such policies clearly have potential negative effects with regard to a woman's willingness to proceed with charges.

In summary, there is little reason to suspect that the situation in British Columbia differs significantly from that in London, Ontario, where in a six-month period, police laid charges of assault causing bodily harm in only 6 (3%) of 222 reported cases, even though 17% of the women concerned were advised by police to seek medical attention or were taken to a treatment centre and 62% were advised to lay their own charges.

Some police officers surveyed indicated a belief that they could not lay an information for common assault if they had not witnessed it. They appeared to be unaware that, in law, the police can swear an information if, on reasonable and probable grounds, they believe an assault has occurred. The victim's complaint itself can constitute a sufficient basis for that belief. Bill C-127, which stipulates that level one assault (formerly common assault) can be charged as either a summary or an indictable offence, facilitates this procedure.

As in all sections of this paper, we are proposing changes in policy and procedures designed to ensure that the woman is protected from further assault or threat and that both the victim and the alleged offender understand the serious criminal nature of what has occurred. The procedural changes suggested are intended to ensure that police practice across the province is consistent, documented, and accountable.

Training

Municipal recruits at the Justice Institute, B.C. Police Academy, in their twenty-four weeks of basic training, receive approximately one week of training in family crisis intervention. This includes a general model of intervention, officer safety, community referral, legal issues, a half-day on wife abuse and a full day with the Child Abuse Team. The half day on wife abuse is conducted by representatives of Transition House and Women Against Violence Against Women. Recruits also complete a number of simulated family violence calls in the classroom and hopefully have an opportunity to deal with real "domestics" under supervision during their training in the field.

Until recently, the general crisis intervention model which was taught presented family crises as part of the "order maintenance" rather than "law enforcement" function of police, and proposed a neutral interviewing technique and mediation of the dispute or referral to a community agency, rather than legal action. This program is in the process of changing to reflect current attitudes that police should be more willing to lay charges and the increased authority for such action provided by Bill C-127. Another recent change gives attention to police awareness of the concerns and needs of victims of family violence.

Only municipal recruits receive this training. It is not available to R.C.M.P. members, veteran officers, or civilian personnel. The Police Academy is considering a refresher course in family crisis intervention for veteran municipal officers, but this is not yet in place.

R.C.M.P. recruits receive some training in family crisis intervention, but its emphasis at the moment appears to be on order maintenance rather than law enforcement. R.C.M.P. advanced training in British Columbia is carried out by "E" Division Training Academy. They are in the process of developing a collaborative relationship with the Justice Institute Police Academy to provide advanced training on a more cost-efficient basis.

Our focus on police training reflects our view that any changes in policy must be accompanied by training which not only provides information about the nature of these changes but also deals with the necessity for increased awareness on the part of all police staff about the nature of the problem and their roles in enforcing the law.

The need for qualities such as compassion, firmness, tact, and specific attitudes which are consistent with a law enforcement approach to wife assault should be addressed not only in police training but in the hiring and assigning of officers to specific tasks. The particularly vulnerable position of the assaulted wife at the time of the assault makes it reasonable to assume that some victims might prefer to be dealt with by a female officer. It is encouraging to note that the Lower Mainland currently has the highest ratio of female police officers in the country.

The difficulties of ensuring that policy changes are implemented at line level are recognized. One positive approach to this is to provide individual officers with the motivation to implement the changes proposed. The inclusion of handling of domestic assault cases in an already well developed system for rewarding meritorious conduct would appear to be one way of ensuring that policy is implemented and appropriate effort put into this difficult task.

Monitoring

Through our own enquiries and from the research of others we have been able to identify problem areas in both police record-keeping systems (log books, occurrence reports, CPIC, PIRS, etc.) and in police communications systems. Good records of wife assault cases are not always kept and what information there is, particularly on past history of alleged offenders is often not well communicated.

Some of the recommendations below address the need for better record-keeping systems within each force and for better systems for sharing information within and across police jurisdictions. While such information system improvements would be helpful for broader research purposes, we have focussed our recommendations on the necessity of adequate record-keeping and communication systems to ensure the protection of assaulted women, and to facilitate the monitoring and evaluation of the specific changes proposed here.

Recommendations with respect to police procedure, training and monitoring follow. The number of recommendations reflects the importance of the police role in this area.

On the basis of the foregoing, it is recommended:

Policy

1. That the Attorney General provide R.C.M.P. and municipal police forces in British Columbia with specific written guidelines for a systematic charging and arrest policy as follows:

   Police should swear an information against the assailant whenever they have reasonable and probable grounds to believe an assault has taken place and, in addition, where

   (a) there is bodily harm to the victim, i.e. where, in the opinion of the attending officer, medical attention is advisable;

   (b) the attending officer is of the opinion further assault is likely; or

   (c) a peace bond or court order (restraining, no-contact, probation, etc.) is currently in effect;

   the assailant should be taken into custody.

   New federal legislation specifically reads "bodily harm" and *not* "serious bodily harm", therefore bodily harm need not be "serious" to warrant taking an alleged offender into custody.

   In determining the likelihood of further assault, the attending officer should consider such factors as a previous conviction for assault and the fact that wife assault is known to be a recurring offence.

   This policy shall not be dependent upon the victim's wishes or on the police witnessing the assault and shall not be delayed, particularly for any "cooling-off" period. It is applicable both when police receive a call to respond to a wife assault case and when a woman comes to a police station to report a recent assault. The interim release provisions of the Criminal Code will, of course, apply.

Procedure*

2. That standardized procedures be established for recording details of the assault and communicating such details to police officers responding to the call. Objective written criteria (including

such factors as the presence of children, firearms or other weapons, alcohol involvement, and the occurrence or threat of violence against the woman or children) should be established for determining the priority of these calls for police response.

3. That police respond immediately in person to every call alleging assault or threat of assault where the woman is still in danger.**

* Except where recommendations clearly apply only to emergency calls, these recommendations should be taken to apply both when police receive a call to respond to a wife assault case and when a woman comes to a police station to report a recent assault.

** It is recognized that, in certain cases, manpower constraints will make immediate response impossible; however police policy should be to respond to such calls and every effort should be made to effect this policy.

4. That, where police do not, for any reason, respond, dispatchers record details of the call and the reason for non-response.
5. That a standardized information system be developed and implemented to provide adequate information both for police officers responding to wife assault calls and for monitoring and research purposes.
6. That, as resources permit, a province-wide computerized system be developed or incorporated into an existing system to provide up-to-date information on the existence and status of any restraining or no-contact order, probation order or peace bond.
7. That referral cards be provided to the woman at the time of response containing information on
   (a) transition houses and legal and social services available in the community, including reference to Family Court Counsellors;
   (b) the individual's right to lay a private information in the event of no action being taken by authorities; and
   (c) the case number and attending officer's name and/or number and telephone number; and

   that the police officer offer to make appropriate referral calls on behalf of the woman and request that someone contact her if she so wishes.
8. That, where necessary or desired by the woman, police refer and accompany her and her children to a transition house or another location within the force's jurisdiction or otherwise ensure their safe transport to such a location.
9. That, where requested, police fulfill their function of standing by to keep the peace by informing the woman of their availability to accompany her on a return to the marital home to collect her personal effects and those of her children.
10. That police complete and place on file a detailed occurrence report for all responses to family violence situations, including those which do not immediately appear likely to proceed to prosecution. Where action is not taken to proceed with charges, the reason for such inaction should be included in the occurrence report.
11. That, where appropriate, police make unannounced call-backs on previous family violence situations.*

* It is now recognized that in certain situations, manpower constraints or the characteristics of a particular situation will make call-backs impossible or inadvisable; however; police policy should be to make these call-backs where appropriate and every effort should be made to effect this policy.

12. That outstanding performance by police officers of duties associated with family violence calls be rewarded in the same way as such performance with respect to other duties.
13. That wherever possible, male/female teams be assigned to family violence situations.
14. That, where resources exist and the need is apparent, crisis teams involving social service professionals be established to support regular police officers in responding to wife assault calls. These teams should be used only as a support, not an alternative to a generalist approach or a law enforcement function.
15. That, where resources are not available but the need exists, crisis teams involving local social service professionals be developed on an informal basis.

Training

16. That all R.C.M.P. and municipal recruits and established officers be trained in the nature, extent and appropriate response to wife assault in British Columbia.
17. That the Justice Institute Police Academy and the R.C.M.P. "E" Division Training Academy programs be expanded and work in close collaboration to provide this training to all persons involved in the police process including civilian personnel, municipal recruits and veterans and R.C.M.P. officers.
18. That appropriate steps be taken to ensure that R.C.M.P. recruits are adequately trained in regard to police policies and practices in British Columbia in relation to wife assault.
19. That responses to wife assault cases be reviewed throughout all stages of the basic training of police recruits.
20. That such training courses
   (a) be developed in cooperation with community people working with battered women;
   (b) address values, attitudes and myths which operate to lower police arrest rates;
   (c) address the needs of the victims and characteristics of the batterers;
   (d) emphasize the appropriateness of police response;
   (e) provide information on the social and legal services available in the Province and the particular community in which the officer will be working;

(f) emphasize criminal and civil remedies which may be pursued in wife assault cases rather than reconciliation.

21. That special training in establishing risk to victims and obtaining essential information be provided to all police communications personnel.

Monitoring

22. That police record all instances of wife assault and that occurrence reports and charge sheets for all assaults indicate the relationship between the victim and the assailant, and that the form used to report to Crown Counsel be amended to include the relationship between the victim and offender.
23. That a central information registry of restraining orders, convictions, peace bonds, no-contact orders and information on the circumstances of previous charges be maintained in each detachment and made available to police answering domestic dispute calls. Where it is impossible to transmit such information over car radios, greater use should be made of telephone communications.
24. That the development of police data systems currently underway address the problem of making information on wife assault cases readily accessible, by means of an overcode to the Criminal Code or some other method such as the Police Information Retrieval System (PIRS).
25. That responsibility for ensuring implementation of the foregoing recommendations be assigned to a specified individual in Police Services Division of the Ministry and, at the local level, to the municipal Chiefs of Police and commanding officers of R.C.M.P. detachments.

2. JUSTICE OF THE PEACE

Should the proposed policy with respect to police procedures in cases of wife assault be endorsed and enacted, the role of the justice of the peace in such cases will be changed to some extent. Nonetheless, there will undoubtedly remain certain instances where police decide not to pursue a case. In such instances, the victim of an assault must continue to have available the option of pursuing the matter herself.

A problem which has presented itself in this regard concerns the discretion of a justice of the peace to refuse to receive an information or to issue process. A considerable number of women interviewed in the course of various studies have reported difficulty in having their cases taken seriously.

In the case of an indictable offence under Section 455 of the Criminal Code, "Anyone who, on reasonable and probable ground, believes that a person has committed an indictable offence may lay an information in writing and under oath before a justice, and the justice shall receive the information …". The new assault legislation has created level one assault as a hybrid offence; i.e. it can be charged as either a summary or an indictable offence. Under Section 27 of the Interpretation Act, an offence that can be charged indictable is presumed to be indictable until the Crown decides otherwise. Effectively, then, Bill C-127 removes any discretion of a justice of the peace which may have existed or been believed to have existed with regard to the receiving of an information in a wife assault case.

While the justice of the peace must now accept an information regarding assault, based on reasonable and probable grounds, discretion remains with respect to the issuing of process. This decision may or may not be based on consultation with the Crown. Revision of the Criminal Code to remove discretion in this area would be a complex and contentious issue and, while it may be an appropriate topic for discussion at a federal-provincial conference, other more immediate means of addressing the problem are available.

It is therefore recommended:

1. That, in light of the policies being proposed for the police and Crown counsel, the Ministry recommend to the Chief Judge of the Provincial Court that the Court's policy governing justice of the peace actions with respect to wife assault be:

(a) to provide justices of the peace with clear written guidelines with respect to Ministry policy on the handling of wife assault cases, drawing their attention to the changes effected by Bill C-127 and requesting them to issue process in all cases of alleged wife assault, thus leaving Crown Counsel to determine whether the case should be pursued;

(b) in those cases where process is not issued, to request justices of the peace to record their reasons for not doing so and to file the information in such a manner as to be easily retrievable for research purposes; and

(c) to develop and implement training programs for new and current justices of the peace about wife assault and the values, attitudes and myths which have operated to treat it as a non-criminal offence and, in particular, about the Ministry's policy regarding the criminal processing of wife assault cases. Such training programs should be developed in cooperation with community people working with battered women.

3. CROWN COUNSEL

Crown counsel are central to the processing of wife assault and domestic violence cases. It is the Crown who decides in each instance whether a charge will be laid, who prepares the case and presents it in court. Most other components of the justice system look to Crown for direction on matters of law; justices of the peace may consult Crown in relation to the issuing of process and police often consult Crown counsel prior to charging.

As part of our survey of current practice, we solicited the views of Regional Crown counsel. Responses received are provided in Appendix 2. This was followed by personal consultations with one Regional Crown and with the Assistant Deputy Attorney General, Criminal Justice. It became clear that consistent policies in this area were required, and the Assistant Deputy Attorney General, Criminal Justice, provided suggested recommendations, which are presented below.

The responses from Regional Crown indicated that the primary criterion for deciding whether or not to prosecute a domestic assault case is the same as for any other case; that a prima facie case exists. There is, however, evidence in local research reports and responses from other components of the system that, in most cases, the onus is placed on the victim to initiate the charge through a private information. There is also evidence to suggest that the victim must often resist a considerable amount of pressure from various sources to "withdraw the charge".

Practice in this area has already begun to change. When faced with a victim who is reluctant to pursue the matter, Crown are increasingly trying to encourage her to proceed by recommending the availability of support services to assist her through the process and by emphasizing the societal interest in the matter. As one Regional Crown put it:

> It is our experience however that in a very substantial number of cases the complainant ultimately appears and seeks to have the information withdrawn. In the recent past it has been decided that the Crown will take a firmer position with respect to these matters and will encourage the court to canvass this application thoroughly with the complainant. If the complainant's position is that the spouse has in fact seriously assaulted (her) then Crown may well seek to have the matter proceed regardless of the wishes of the complainant, on the basis that the state has an affirmative interest in discouraging this sort of behavior even if the complainant has "forgiven" the aggressor.

This direction is supported by existing Crown counsel policy. Policy 15 of the Crown Counsel Handbook states:

> The informant is to attend in Court to make application to the judge explaining why he wants to have the information withdrawn.

In criminal matters, where reasonable and probable grounds exist, the victim should not be required to make the major decisions about whether or not the case proceeds. Studies which deal with victim's attitudes make it clear that, while victims want to have their and their children's needs and concerns taken into account by the justice system, they want that system to take responsibility for the conduct of the case and are greatly relieved when this is done.

It is therefore recommended:

1. That the Attorney General instruct Crown counsel, as a policy, to pursue criminal proceedings in cases of wife assault where the evidence warrants it.
2. That the continuance of the prosecution not be guided solely by the wishes of the victim and that, where a victim indicates a desire to withdraw the charge, Crown counsel advise the victim of the availability of support services to assist her throughout and following the court process.
3. That, should the victim insist that the charge not go ahead, Crown counsel will, wherever possible, have the victim appear in Court and formally apply to withdraw the charge.
4. That the victim, regardless of who has sworn the information, should be under subpoena as a witness as opposed to any form of informal notification. In this fashion, the witness will be in the position, when under pressure to stop the prosecution, to indicate that she has no choice since she is under subpoena.
5. That Crown counsel maintain charging policies which do not, in principle, distinguish a wife assault from any other type of assault.
6. That Crown counsel request a non-contact order on Judicial Interim Release hearings and/or on sentence.
7. That Crown counsel, in cases of wife assault, seek sentences comparable to those sought in cases where the parties are not related.
8. That in-service training courses be developed for Crown counsel on the topic of wife assault, particularly focusing on the psychological, emotional and informational needs of victims in the criminal justice process. These courses should be developed in consultation with people working with assaulted women.
9. That trial Crown counsel, wherever possible, consult personally with the victim in advance of the trial date and specifically avoid an interview policy which restricts interviews to the date of trial.
10. That no case of wife assault be diverted without the concurrence of the victim and that a person who has previously been diverted on a case of wife assault shall not be diverted in connection with a subsequent similar incident.
11. That treatment programs and mandatory counselling be advocated by Crown counsel when speaking to sentence.
12. That, where a term of imprisonment is not the sentence that the Trial Judge wishes to impose, Crown counsel seek to have the court suspend the passing of sentence and impose mandatory counselling and other conditions with respect to the treatment of the accused on a period of probation.
13. That Crown counsel establish an active policy of returning reoffenders who are under suspended sentences to Criminal Court for sentencing on the original charge if, during the term of their probation, they reoffend and that the Crown counsel, on such a resentencing procedure, take the position that a severe sentence is appropriate, given that the accused was originally dealt with leniently.

14. That responsibility for ensuring the implementation of these recommendations be assigned to Regional Crown Counsel in each Region of the Province and that Regional Crown Counsel develop and maintain a system to monitor whether or not the recommendations are being followed.

4. CORRECTIONS

Corrections Branch has recently adopted an internal policy paper on "Family Violence: Wife Battering". The new policy for Family Court Counsellors states that where violence or its threat is significant in a spousal relationship, the Family Court Counsellors' primary concern should be for the safety of the victim spouse and children. Conciliation is not ruled out if it is desired freely by the parties, but it is approached more cautiously by counsellors, in recognition that physical violence is dangerous criminal behavior which has psychological as well as physical impact on the victim and puts children in the family at risk. Family Court Counsellors' work with all family members in these instances will support and facilitate the legal processes rather than attempt to divert people out of the court. This may include offering assistance and liaison with Crown counsel if the woman is required as a witness in a criminal prosecution and no other group provides this service.

While criminal acts which take place within the family should be recognized and treated as such, it is also important that the concerns and needs of non-offending family members, especially victims of violence, be taken into account by the justice system. Accordingly, Probation Officers who prepare pre-bail and pre-sentence reports in cases of wife assault or threat should take this into account.

The major recommendations of the Corrections Branch policy paper are as follows:

1. That, in their work with families in which physical assault takes place or is threatened, the primary concern of Family Court Counsellors and other Corrections staff be to assist the assaulted woman to provide for her own safety and that of her children.
2. That Family Court Counsellors and those who supervise them be aware of typical dynamics of families in which wife assault occurs, especially the power imbalances played out in coercive and placating interactions, and should exercise great caution in encouraging conciliation, particularly in joint interviews where these dynamics may be present.
3. That Family Court Counsellors and those who supervise them be aware of typical effects of wife assault on children. Counsellors should take these and the children's views into account when considering access by the respondent to the children.
4. That Family Court Counsellors offer the abusive respondent legal information, an opportunity to discuss the family situation and the children's concerns and needs, and referral to therapeutic or other community services. Depending on the applicant and children's need for protection and views on conciliation or reconciliation, settlement of family law issues like custody, maintenance, occupation of the home and non-entry by consent orders may be negotiated.
5. That the Probation Officer preparing a pre-bail report or pre-sentence report discuss possible recommendations with the victim and take her views and concerns into account. The Probation Officer preparing a report or supervising the offender on bail or probation should maintain contact with the Family Court Counsellor if one is involved and, if one is not involved, ensure that the victim is aware of protective and supportive services available to her, including the services of the Family Court Counsellor. The Probation Officer should also ensure that the victim and the Family Court Counsellor are aware of the terms of interim release or probation and what to do if these terms are breached.
6. That the Justice Institute training for Probation Officers and Family Court Counsellors include increased emphasis on working with families in which wife assault occurs, the dynamics of such families and the impact on children. This topic should be a priority for Basic and Essential Refresher Training for current Family Court Counsellors and their supervisors.

Wife Abuse As a Crime: The Impact of Police Laying Charges

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Many women are being seriously assaulted in their own homes by their male partners. The few who finally decide to call police departments in Canada hope that the police officers will somehow be able to terminate the violence and convince the male that he does not have a right to beat them. The current police policy, in almost all cities, however, requires minimal intervention and an avoidance of arrest or laying of assault charges in wife assault cases.[4 10] For example, a study conducted by Jaffe and Burris[8] revealed that, in the first half of 1979, police laid charges of assault in only 3% of all family violence cases, despite the fact that they advised 20% of the victims to seek medical treatment.

Considering that an assault is a crime in Canada and that battered women often receive serious injuries, victims and members of the general public wonder why the police are not willing to act more aggressively in these cases. The following reasons help to explain the reluctance to lay assault charges:

(i) At present, most police departments have not developed clearly defined policies regarding arrests and laying of charges, except to require that such action should be avoided whenever possible in cases of family violence;[9 10]

(ii) because wife assault cases are given very low priority in the department, there is no reward or attention given to officers who rigorously pursue arrests or charges in these cases;[3 9]

(iii) police recruits and veteran officers receive very little training on this issue, even though family violence cases constitute a large proportion of their total caseload and often prove dangerous for the officer attending the call. As a result of this lack of training, officers have difficulty appreciating the needs of the victim, the characteristics of the batterer and the importance of intervening effectively as early as possible in the cycle of escalating violence;[4 10] and

(iv) traditionally, violence has been condoned as a normal male response to stress and it is implied that wife abuse should remain in the private domain of the family with the female being the legitimate victim of the abuse. There is also the belief that an assault against a female by her partner is somehow less serious than an assault between strangers.

The implications of the police policies of minimal intervention are serious and far-reaching:

(a) the female who calls the police for protection is disillusioned by the response she gets and begins to feel that there are no alternatives to her situation. This feeling of helplessness increases the female's existing lack of self-esteem resulting from numerous beatings and continual terrorization. Most abused women will not seek outside help and even those women who call the police have already experienced an extensive history of violence;[8 11]

(b) many women in the community who are being abused will not call the police because they are aware that very little will be done to deter their assailant;

(c) police officers often get frustrated with repeat calls to the same residence when they perceive that they cannot take any meaningful action.[10] When they leave, they are aware that the violence will likely continue;

(d) although police officers often suggest that victims should lay their own assault charges, very few assaults that are reported to police proceed in court. Jaffe and Burris report that only 17% of family violence calls received by police are taken to court;[8]

(e) by not arresting or charging the male, police are giving the batterer the message that he has a right to hit his partner and that he will not be held responsible for his own behavior;

(f) because the police have attended at most of the assaults which result in private informations being laid, the justice of the peace, the Crown attorney and the judge do not take private information very seriously, believing that the police would have laid the charge if it was warranted. The result is a lack of rigorous prosecution and lenient sentencing;

(g) victims who lay private informations must face a wide array of roadblocks inherent in the criminal justice system, and many complainants are continuously threatened by their assailants because they laid the charge. The negative attitudes of the criminal justice members and continual harassment from her assailant may result in the female wanting to withdraw the charge;[4] and

(h) by not acting decisively when they arrive at the scene of the assault, the police miss the opportunity to interrupt the cycle of violence which will inevitably become more severe.[7] The best time to influence the assailant is immediately following

the assault or crisis when he cannot easily deny or minimize his behavior.[5]

One police force in Canada, the London City Police Force, has seen the need to act more decisively in cases of wife assault and in May 1981, they instituted a policy which encourages officers to lay charges of assault. This change in policy did not result from changes in legislation but was undertaken by the department in response to research which indicated that the victims wanted officers to lay charges and that the necessary grounds for laying the charges often existed.[6] The police perceived this policy as reflecting a change in attitudes about the seriousness of wife assault cases. The directive, which is shown in Figure 1, states that officers do not have to witness the assault but only need to have reasonable and probable grounds to believe that the assault occurred, before they lay a charge. The directive also states that if the couple is no longer living together, the case should proceed to Criminal Court, not Family Court. Furthermore, officers were instructed to distribute information cards to the victims explaining what will happen and where she can go for further assistance.

In order to investigate the immediate effects of this policy change on the officers' behavior, research was undertaken to find out how many charges were laid by police in family violence calls within a four month period following the policy change. The time period studied was May 20, 1981, to September 20, 1981. A listing from the police computer of all assaults where charges were laid by police was obtained and the occurrence reports for all reports where the assailant and the victim were married, living common-law, separated or divorced. In addition, assault and threatening charges laid through private informations in the same four month period were recorded. Using the assailants' names, the cases were followed through the court process (both Family and Criminal). The number of times the male had been involved with police, from 1976 to immediately before the assault charge was laid, was obtained from police computer files.

Table 1 shows the number of charges laid in the four-month period following the change in policy, compared with a six-month period in 1979. The results indicate that 36 charges of common assault were laid in 1981, whereas no common assault charges were laid by police in the first half of 1979. Furthermore, 32 charges of assault causing bodily harm were also laid by police, compared with six of these charges laid in 1979. In 1981, thirteen victims laid common assault, assault causing bodily harm and threatening charges; this number has decreased dramatically from the 46 charges laid by victims two years prior to the policy change. The total number of charges laid in the four-month period of 1981 is much larger than the number of charges laid in the first half of 1979.

The proportion of females who were not living with their ex-partners at the time of the assault was 20% for both of the police charge groups, whereas 36% of the females laying private informations were either separated or divorced from their assailant.

Figure 1

Directive from the Inspector of the Court Services Branch of the London City Police Force instructing officers to lay assault charges when they have reasonable and probable grounds to believe the assault took place.

Memo to: ALL RANKS
From: Inspector, Court Services Branch
Subject: Assault Complaints

1. Commencing immediately, charges are to be laid by our Force in all cases where there are reasonable and probable grounds revealed in the investigation. The practice of directing the victim to lay private informations is to cease.
2. Charges of common assault and assault causing bodily harm are to be laid in the Family Division of the Provincial Court *only* when the assault occurs between members living together in the same dwelling unit as a family.
3. All other assault charges are to be laid in the Criminal Division of the Provincial Court.
4. Wounding charges are to be laid in the Provincial Court (Criminal Division) when injury is caused by the use of an instrument.
5. The occurrence report and the charge sheets must indicate the relationship between the victim and the assailant.

81 05 08

Table 1

Comparison of the Number of Assault and Threatening Charges Laid in Family Violence Cases in 1979 and 1981.

TYPE OF CHARGE AND WHO LAID IT	NUMBER OF CHARGES LAID	
	1981 (4-month period)	*1979 (6-month period)*
POLICE-LAID CHARGES		
Common assault	36	0
Assault causing bodily harm	32	6
PRIVATE INFORMATIONS		
Common assault	4	14
Assault causing bodily harm	0	4
Common assault and threatening	8	13
Threatening	1	15
TOTAL	81	52

The assailants in the private information group were significantly older (average is 49 years) than both the common assault ($t = 2.37.p \leq .05$) and the assault causing bodily harm ($t = 2.26.p \leq .05$) groups whose average ages were 33 and 36 years, respectively.

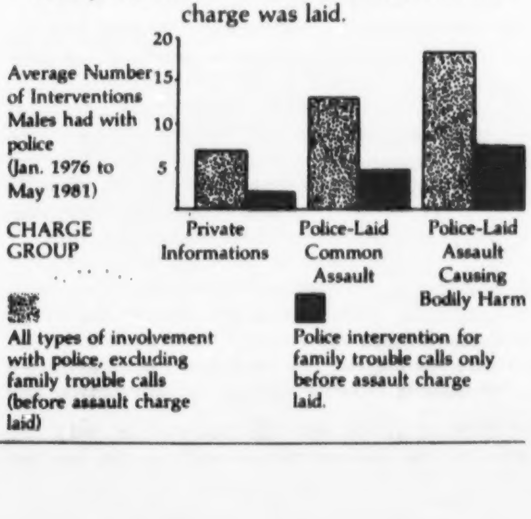
There is a significant relationship between the seriousness of the charge and whether or not the male was drinking. ($F = 5.3.p \leq .05$). (The assumption was made that a common assault laid by police is more serious than a privately-laid common assault charge, since in all but two of the private information cases, the police had investigated the complaint but did not feel that the circumstances warranted the laying of a charge. It was also assumed that a charge of assault causing bodily harm was more serious than either a privately-laid or police-laid charge of common assault.) Only 20% of the males in the private information group were drinking, whereas 54% of the common assault and 65% of the assault causing bodily harm groups were drinking when the offence occurred.

The Conflict Tactics Scale, developed by Straus, was used to determine the type of violence used against the females. The most common form of violence used in all three groups was kicking, biting or hitting with a fist. In the private information group, 22% of the females received no injuries or no visible injuries, 19% of the common assault group had no visible injuries and all of the assault causing bodily harm group were visibly injured. The severity of the charge is significantly related to both the seriousness of the injury ($F = 6.8,p \leq .05$) and the need for treatment of injuries ($F = 9.1,p \leq .05$).

There is a significant increase in the number of males who are interviewed by police as the severity of the charge increases ($F = 2.6,p \leq .05$). While slightly over one-half of the private information group were interviewed, 68% of the common assault group and, more strikingly, 87% of the males in the assault causing bodily harm group were interviewed by police.

Figure 2

Average Number of times males from various charge groups were involved with police for family trouble and other calls before assault charge was laid.



In Figure 2, a review of the frequency of the males' contacts with police between 1976 and immediately before the assault charge was laid, shows that as the severity of charge increases, so does the males' average number of family trouble and other types of interventions with police. The males charged with assault causing bodily harm were involved with police significantly more often than the private information group ($t = 2.21,p \leq .05$). Also, the police were called on family trouble matters to the common assault group ($t = 2.74,p \leq .05$) and the assault causing bodily harm group ($t = 2.32,p \leq .01$) significantly more often than to the private information group.

When a charge is laid in a family violence case, the justice of the peace must decide which court (Family or Criminal) will hear the case. Table 2 shows the number of cases for each charge group that appear in the two types of courts. (It should be noted that for assault charges, both Family Court and Criminal Court are sitting as Provincial Courts (Criminal Division), and the sentences available to the judges are the same.) Almost all of the private informations go to Family Court while almost all of the assault causing bodily harm cases are heard in Criminal Court. The police-laid common assault charges are more evenly distributed between courts with 60% of these cases appearing in Criminal Court.

Table 2

Type of Court Hearing Each Charge Group.

TYPES OF CHARGE	COURT HEARING CASES (frequency)	
	Criminal	Family
Private informations	2 (17%)	10 (83%)
Police-laid common assault	18 (60%)	12 (40%)
Police-laid assault causing bodily harm	23 (89%)	3 (11%)

$x2 = 19.1,p \quad .0001$

The common assault charges laid by police were first heard in court an average of 28 days after the charge was laid, which is significantly longer than the 23 day delay for private information ($t = 3.65,p \leq .001$), and the 22 day delay until assault causing bodily harm cases are heard ($t = 2.7,p \leq .01$). When all the charges were categorized according to which court (Family or Criminal) they were heard in, the average number of days between the offence day and the first court appearance is 38 days for Family Court cases, which is significantly longer than the delay of 25 days for Criminal Court cases ($t = 2.7,p \leq .01$).

The court process for all Criminal Court cases took an average of 82 days which is significantly shorter than the Family Court average of 108 days ($t = 1.95,p \leq .05$). The average number of days between the alleged assault and the final disposition for assault causing bodily harm, police-laid common assault, and private information cases were 80, 96, and 100 days, respectively.

The court dispositions for cases in the various charge groups are found in Table 3 which indicates that 59% of all private informations of common assault are dismissed or withdrawn, whereas only 28% of the police-laid charges had similar dispositions. Fourteen percent of the assailants have never attended court and ten months later, warrants for their arrests were still out-standing. While almost none of the private informations resulted in a fine or jail sentence, 26% of the police-laid common assault group and 45% of the assault causing bodily harm charges were resolved that way. Most of the fines imposed were less than $500 and the majority of the jail sentences lasted between 21 and 30 days.

Table 3

Final Court Dispositions for Charge Groups.

DISPOSITION	CHARGE GROUP (frequency)		
	Private informations (common assault charges only)	Police-laid common assault	Police-laid 245-2
Dismissed	5 (42%)	8 (22%)	8 (22%)
Withdrawn	2 (17%)	2 (6%)	2 (6%)
Absolute Discharge	1 (8%)	2 (6%)	—
Conditional Discharge	—	3 (9%)	2 (7%)
Probation	2 (17%)	6 (17%)	1 (3%)
Fine	1 (8%)	7 (20%)	10 (32%)
Jail	—	2 (6%)	4 (13%)
Warrant Outstanding	1 (8%)	5 (15%)	5 (19%)

In order to determine if the type of court hearing the case affects the disposition, all common assault charges (regardless of who laid them) were categorized according to the court in which they were heard. When this similar group of charges was divided into dismissed/withdrawn and guilty categories, it was found that common assault cases heard in Criminal Court resulted in guilty verdicts significantly more often than common assault cases heard in Family Court ($F = 4.7, p \leq .05$).

Discussion

It is evident from the results of this study that police officers in London, Ontario, are willing to lay assault charges in cases of wife abuse when they have clear policy guidelines which encourage decisive action. Officers are now more inclined to treat wife assaults the same way they would treat assaults between strangers. The policy change has not only affected the laying of common assault charges, but has increased the number of assault causing bodily harm charges laid by police as well. In fact, the number of times the officers lay the two types of charges is almost equal. The dramatic increase in the laying of assault causing bodily harm charges reflects an attitudinal change, since officers have always had the authority to arrest and charge assault causing bodily harm when serious injury was evident, regardless of whether or not they witnessed the actual assault. The sharp increase in assault causing bodily harm charges does not indicate that women are being more severely beaten, but reveals that officers are more aware of the seriousness of the assaults.

On the basis of severity of injury, type of violence used, and type of treatment required, it appears that police officers are laying the appropriate charges. Aside from the greater severity of injury and violence there are other characteristics which distinguish the assault causing bodily harm group of assailants from the other two groups. The males, who are charged with assault causing bodily harm, are drinking more often than the other groups. This is consistent with the Berk, Fenstermaker and Laseke[2] suggestion that, when the male is intoxicated, he is likely to inflict more serious injury than when he is sober. The males in both of the police-charge groups are younger than the private information group. This finding is consistent with Fagan et al,[9] who found that younger men inflicted greater injury to their victims.

Males who are charged by police with assault causing bodily harm have had extensive prior involvement with police for family trouble and other types of calls. In fact, as the average number of police interventions increase, so does the seriousness of the police charge. This finding implies that police officers may be getting frustrated with repeat interventions with the male and the decision, whether or not to arrest and how serious the assault charge should be, may be directly influenced by the officer's prior involvement with the male. The relationship between seriousness of the charge and previous police involvements also supports the theory that the type of violence and the injury to the victim will become more severe over time, particularly in the absence of effective intervention.

Despite the provision set out in the London Police Force policy that spouses living together go to Family Court, whereas, separated couples go to Criminal Court, most police-laid charges went to Criminal Court while private informations were heard in Family Court. In fact, if the policy had been strictly followed, more private informations than police-laid charges would have proceeded to Criminal Court since 36% of private informations were from separated women, compared to only 20% of the police-laid charge cases being separated at the time of the offence. Even though police-laid common assault cases were more evenly distributed between the two courts, the majority of these cases end up in Criminal Court when the marital status does not warrant it according to the policy.

The justice of the peace makes the decision as to which court hears the case and the following factors may influence the trend of police-laid charges going to Criminal Court while victim-laid charges go to Family Court:

(i) court officials may perceive wife assault cases as being more serious and, in fact, criminal when the officer lays the charge whereas they may be more inclined to consider other factors such as the effects on the family when the victim initiates charges; and

(ii) when the male is arrested on a charge of assault causing bodily harm, only the justice of the peace from Criminal Court will attend at the cells in the police station to release the male on an undertaking or remand to court. The Criminal Court justice of the peace may be inclined to direct these cases to the court with which he is familiar.

When the London Police Force policy of laying assault charges was first instituted, it was argued that Criminal Court judges would treat these cases more lightly than Family Court judges since charges heard in Criminal Court are often much more serious than common assault; however, it appears that Criminal Court is more effective in dealing with these cases. In the first place, the delays to first court appearance and final disposition are significantly shorter than Family Court cases. The shorter delay means that the female has to spend less time in fear and apprehension about what will happen. Furthermore, the likelihood of a conviction is far greater in Criminal Court than it is in Family Court. This finding cannot be attributed to a difference in the seriousness of charges since the same significant difference was found for common assault cases only.

In summary, it appears that London Police Force officers want to act more decisively in wife assault cases as they have responded positively to the direction and encouragement to lay assault charges when feasible. This change in police policy obviously affects attitudes as well and may serve to protect and support women who call the police. In the long run, decisive police action may help to interrupt the cyclical pattern of violence and possibly prevent more serious injury and death.[7] Police departments across Canada should be encouraged to adopt a similar policy of providing meaningful assistance to women regardless of their relationship to their assailant. Future research studies with larger sample sizes are needed to replicate these findings in order to make more meaningful comparisons between private informations and cases where police lay charges. Information should also be gathered on cases where no charges are laid. There may be some difficulties in generalizing findings from one jurisdiction to another given the highly variable practices and policies of criminal justice agents.

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Reducing Case Attrition

From: Lerman, L.G., *Prosecution of Spouse Assault: Innovations in Criminal Justice Responses.* Washington, D.C.: Center for Women Policy Studies, 1981.

A primary cause of case attrition in family violence cases is that prosecutors, often unintentionally, discourage victims from following through with prosecution. The complaining witness is often made to feel personally responsible for the prosecution of the case and for whatever penalty is ultimately imposed. She usually does not receive adequate information about the criminal justice system or about how to protect herself while charges are pending.

Most prosecutors discourage battered women from filing charges and freely permit ambivalent victims to back out after charges have been filed because they perceive that domestic violence cases involve only minor disputes which are impossible to prosecute successfully. Because other cases are easier to prosecute and are believed to be more serious, prosecutors try not to waste time on domestic cases. Many prosecutors also take the position that criminal action may jeopardize family relationships, and that the family is a sacred institution to be preserved at all costs.

A handful of prosecutors around the country have made spouse-abuse cases a priority and have been aggressively prosecuting cases involving intimates. Urging that too many homicides occur between mates, prosecutors in Seattle, Santa Barbara, Los Angeles, Philadelphia, and Westchester County, new York have examined reasons why battered women frequently drop charges, and have adopted procedures to reduce pressures on the complainant.

Recognizing the victim's ambivalence about prosecution and the pressure on the victim to withdraw, these prosecutors attempt to relieve the complainant of responsibility for filing charges. Domestic violence programs in these prosecutor's offices treat spouse abuse as a crime against the state, and assert that the prosecutor, not the victim, is responsible for enforcing the law. In addition, the prosecutors have examined the reasons why battered women file charges — looked at what they want from the criminal court — and have set goals for prosecution that correspond with those of the complainant.

These programs have been effective in reducing case attrition. In 1979 Santa Barbara, the rate of victim cooperation in cases in which charges were files was 92 percent.[1] (Victim cooperation means that charges were not dismissed based on the request of the victim or on her refusal to testify.) In Los Angeles, less than 10 percent of the family violence cases charged as misdemeanors are dismissed because of victim noncooperation.[2] In the Philadelphia District Attorney's Office, case attrition in spouse abuse cases was reduced to 20 percent during 1980[3]. In Westchester County, New York, during a six-month period in 1980, only 24 percent of the complaining witnesses in family violence cases withdrew charges prior to disposition[4]. In Seattle, during a two-year period, only 34 percent of the 1116 family violence cases in which charges were filed resulted in acquittals because the victim refused to participate[5].

These rates are impressive compared with those reported by other prosecutors. For example, in Jacksonville, Florida, the District Attorney's Office estimates that 80 percent of the complainants in spouse abuse cases drop charges prior to disposition[6]. In Marin County, California, before their domestic violence diversion program was established, the rate of case attrition was estimated to be 70 to 80 percent[7].

Prosecutors interviewed in Miami, Florida and in Cleveland, Ohio were unable to supply data but were hard pressed to think of domestic cases which were *not* dismissed based on the victim's request.

Witness noncooperation accounts for dismissal of a significant number of criminal cases whether or not the parties are strangers. When the parties know each other, however, the likelihood that the complaining witness will not appear in court is much higher. The Institute of Law and Social Research reports that in the District of Columbia in 1973, prosecutors dismissed 22 percent of the stranger cases and 54 percent of the nonstranger cases because of witness noncooperation[8]. These figures indicate that a case attrition rate of 20 percent may be normal in stranger cases, but is an impressive achievement in family violence cases.

Domestic violence prosecution units have not only reduced case attrition, but have also obtained a high rate of convictions. Notably, the Seattle program reports that 83 percent of the domestic violence cases which go to court result in convictions[9]. In Westchester County, 119 batterers were convicted during the first six months in 1980; only three were acquitted[10]. Although these programs developed independently of each other, they arrived at many similar conclusions about what can be done to encourage victim cooperation in spouse abuse cases[11].

Identification of Wife Abuse Cases

Prosecutors generally accept as a given the pool of cases which are presented to them for screening, either as a result of arrests, police reports, or victim complaints. However, as the literature reviewed in Chapter I indicated, only a small percentage of the domestic cases in which the police are called to the scene result in either an arrest or a report. In order to have a significant impact on domestic abuse in any community, prosecutors must develop closer communication with police about domestic cases, so that all serious cases may be identified.

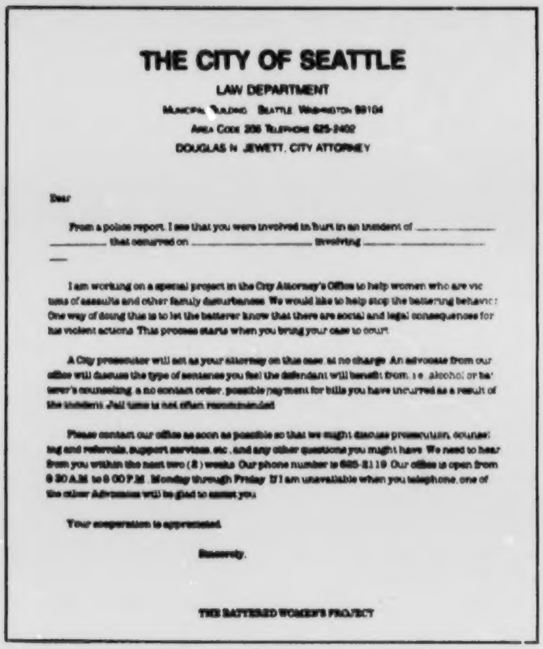
To enlarge the pool of domestic violence cases avilable to be screened for prosecution, prosecutors must solicit reports from police and from victims. One method is to have police report forms designed so that domestic cases can be quickly identified, and then to go through police reports daily and weekly and pull out the domestic violence cases. A second is to supply police with postcards addressed to the prosecutor's office, and ask them to fill in the name and address of the victim every time they answer a disturbance call. A third method is to supply police with brochures describing the assistance available for battered women from the prosecutor's office and elsewhere and to ask that the brochures be distributed to battered women who call the police.

If the prosecutor identifies cases through reports or cards written by the police, victims can then be contacted to make them aware of available services. Regardless of the channel of communication, the goal is to make the cases available to the prosecutor and to make criminal action available to battered women.

All of these methods have been successfully used by programs designed to prosecute domestic violence. Their users report an enormous increase in the number of cases screened, charged, and convicted. Likewise, they report that many of the cases in which no arrest was made are as serious and as appropriate for prosecution as those in which arrests are made.

Police Reports

In Seattle, Washington, all police reports are screened by prosecutors to determine the appropriateness of prosecution. After the City Attorney set up a Battered Women's Project, the Police Department was persuaded to modify the report form so that domestic violence cases could be identified by a checkmark at the top of the form. Cases thus identified are sent to the Battered Women's Project. Those in which an arrest was made are filed automatically; the project contacts victims in the other cases by phone or letter to determine whether they wish to prosecute[12]. By screening police reports and contacting battered women, the project has more than doubled the number of domestic cases prosecuted by the City Attorney. Since the rate of conviction in those cases which go to court is 83 percent, the increase in the caseload is considered a good service to the community and beneficial to the image of the prosecutor's office.



THE CITY OF SEATTLE

LAW DEPARTMENT

Municipal Building Seattle Washington 98104

Area Code 206 Telephone 625-2402

DOUGLAS N. JEWETT, CITY ATTORNEY

Dear

From a police report, I see that you were involved in/hurt in an incident of ______ ______ that occurred on ______ involving ______

I am working on a special project in the City Attorney's Office to help women who are victims of assaults and other family disturbances. We would like to help stop the battering behavior. One way of doing this is to let the batterer know that there are social and legal consequences for his violent actions. This process starts when you bring your case to court.

A City prosecutor will act as your attorney on this case, at no charge. An advocate from our office will discuss the type of sentence you feel the defendant will benefit from, i.e. alcohol or batterer's counseling, a no contact order, possible payment for bills you have incurred as a result of the incident. Jail time is not often recommended.

Please contact our office as soon as possible so that we might discuss prosecution, counseling and referrals, support services, etc., and any other questions you might have. We need to hear from you within the next two (2) weeks. Our phone number is 625-2119. Our office is open from 8:30 A.M. to 5:00 P.M., Monday through Friday. If I am unavailable when you telephone, one of the other Advocates will be glad to assist you.

Your cooperation is appreciated.

Sincerely,

THE BATTERED WOMEN'S PROJECT

VICTIM CONTACT LETTER

In Seattle, police reports are screened and cases that are identified as domestic violence are referred to the Battered Women's Project. The project sends this letter to victims.

In Westchester County, New York, police reports are sent to the prosecutor's office only when an arrest is made. The primary channel by which the police inform the Domestic Violence Unit about calls answered is by sending postcards to the unit giving information about how to contact the victims[3]. Then, as in Seattle, victims are contacted by the prosecutor's office and offered services. The unit gets calls from about 30 percent of the victims who are sent letters. According to Jeanine Pirro, the Assistant District Attorney who directs their unit, police response has vastly improved because police "know they have a prosecutor who will back them up to the hilt"[14].

Establishing such a system is no small task. The post card may be simpler to sell than a request for increased reporting, however, because it involves less paperwork. The Westchester Domestic Violence Unit encourages use of postcards during personal visits to each of the forty-three police departments in the county served by the prosecutor's office. These visits, usually made during roll call, are also used to encourage arrests in appropriate cases, and to otherwise inform the police of the prosecutor's interest in family violence.

Information From Victims

The most efficient means by which prosecutors may obtain information about domestic violence cases is through a direct report from the police, as in the systems described above. Where direct reporting cannot be implemented, however, police can refer victims interested in filing charges to the prosecutor's office.

In Philadelphia, for example, the District Attorney sponsored a domestic violence program which has received much publicity. The prosecutor's office assisted in drafting a new police directive on family violence, but the size of the city and the police force precludes systematic screening of reports. However, the domestic violence program supplies police with information cards to give to victims of abuse, and encourages police to pass out the cards and to refer victims to the prosecutor's office. Through this mechanism, the program has served over 4,000 battered women each year, more than almost any program in the country.

Possible Problems

Some prosecutors are concerned that sending letters to victims based on police reports might place the victim at risk, because the abuser might open the letter and a violent incident might ensue. However, neither the Westchester nor the Seattle projects have had reports of violence precipitated by contact letters sent to victims. The project staff recognize the risk of the letters, but believe that the likelihood of subsequent violence is greater if no one intervenes than if services are offered.

The obligations of confidentiality which limit communications between mental health agencies or private attorneys and law enforcement officials are not at issue between police and prosecutors. The privacy of the parties is not violated by the sharing of information between one law enforcement agency and another.

Better working relationships between police and prosecutors regarding spouse abuse cases will not abuse of discretion but a violation of judicial duty, because the judge had no discretion[21]. seriously. If practical considerations limit the number of cases which can be prosecuted, then selection should not be based on random self-identification. The prosecutor should screen as many cases as possible and prosecute the most serious.

The Decision to Prosecute

Although sufficiency of evidence is a prominent consideration in any filing decision, various other criteria are often used in screening domestic violence cases. Some prosecutors extensively interview battered women about whether they feel any reluctance concerning the filing of charges. Others file charges against a batterer only if the victim has agreed to live apart from him or to file for separation or divorce. Some accept criminal complaints from battered women only where the injury is so severe that it would be unconscionable not to file charges. The use of such criteria limits the number of caes in which charges are filed, but does not help to identify the cases in which victims will cooperate. Improving the rate of victim cooperation depends *not* on weeding out ambivalent victims, but on setting up a system which will encourage victims to cooperate and will protect their interests.

The recent experience of family violence prosecutors reveals no correlation between any identifiable characteristics of the cases or the victims and the likelihood of cooperation. The probability of victim cooperation is in fact better predicted by the conduct of the prosecutor than by the conduct of either the victim or the defendent[15].

The domestic violence prosecution programs vary in their position as to whether the decision to file charges should be made by the victim or by the prosecutor. Some prosecutors believe that the victim must not be required to cooperate with the district attorney if, at the outset, she does not wish charges to be filed. Other prosecutors see themselves as advocates for the state, and urge that the charging decision should be made by the prosecutor. They argue that the victim may not know what she wants, or that she may shy away from prosecution because of fear of the batterer or of the criminal justice system. Knowing that without effective intervention the cycle of violence will escalate, they suggest that some cases should be prosecuted even if the victim objects.

Domestic violence units in the district attorney's offices in Santa Barbara, Philadelphia, and Westchester County, New York, file criminal charges only if evidence is sufficient *and* the victim wishes to participate. Victim advocates (persons who informally represent crime victims) discuss all available options with battered women to assist them in making informed decisions. The unit in the Los Angeles City Attorney's Office, on the other hand, takes the position that the "decision to prosecute a criminal case is the responsibility of a public prosecution agency, *not* the victim of the offense"[16]. The prosecutor's interest in enforcing the law is so strong that victims of abuse are obliged to cooperate.

The filing policy of the City Attorney's Office in Seattle, Washington combines that of Los Angeles with the approaches taken by the other programs. In domestic cases in which the abuser has been arrested, charges are filed automatically. Where no arrest is made and a victim reports an incident to the prosecutor, charges are filed only if the victim elects to participate[17]. Separate statistics kept on the two groups of cases indicate no significant difference either in the rate of case attrition or in the conviction rate. This suggests that victim assistance and the policy against dismissal of charges (the project's other important innovation) are more influential than the screening policy in reducing case attrition.

Prosecutors who keep data on domestic violence cases report that charges are filed in 25 to 40 percent of the cases screened. Though their policies vary on consideration of the victim's wishes, the domestic abuse units in Seattle and in Westchester County both file charges in 39 percent of the cases referred to them, either by police or by battered women. Likewise, the units in Portland.

Philadelphia, and Los Angeles report that charges are filed in about one third of the cases referred to them. In Marin County, the percentage of reported domestic violence cases in which charges were filed rose from 14 percent to 25 percent when their domestic violence diversion program began in 1980.

Prosecutors evaluating their screening policies may wish to assess the impact a change in policy may have on their caseloads. The number of family violence cases charged may increase somewhat, but if other relevant changes discussed in this chapter are made, the number of cases dismissed or defendents acquitted may drop dramatically. This means fewer wasted resources and higher conviction rates. If the caseload does become unwieldy, prosecutors may wish to institute a diversion program along the lines discussed in Chapter Five, "Post Charge Diversion."

The Decision to Drop Charges: Complainant Cooperation

While prosecutors disagree about how much a victim's wishes should influence the decision *to file charges*, prosecutors who have succeeded in reducing case attrition agree that once a charge is filed, the decision *to go forward* rests with the prosecutor, not with the victim. By setting a policy that charges will not be dropped at the request of the victim, these prosecutors prevent battered women from repeatedly testing their resolve to go to court. They have developed several techniques to convince battered women that violent behaviour is a crime against the state and to encourage them to cooperate with the prosecution.

Complaint Signed by Prosecutor

When the prosecutor signs a complaint, it is the prosecutor's first opportunity to show the victim that she is a witness rather than a plaintiff. Though prosecutors frequently sign complaints in other types of cases, in spouse abuse cases, many prosecutors ask victims to sign complaints as a test of their resolve to follow through with prosecution. Prosecutors in Santa Barbara and Los Angeles suggest that this places unnecessary pressure on the victim.

If the complainant is given control of and responsibility for the filing of a charge, she becomes a target for retaliation or pressure to withdraw by the abuser. If the prosecutor signs the complaint and explains to the victim that it is the state and not she who is filing the charge, she is less vulnerable to intimidation. Debbie Talmadge, a prosecutor in Santa Barbara, instructs the victim that if her mate tries to cajole her or threaten her into dropping the charge, she should tell him that she has no power to do so because she did not file the charge and cannot tell the prosecutor how to do his job. Talmadge reports that this strategy is effective in making the victim more comfortable and reducing the likelihood of recrimination.

Denial of Requests for Dismissal

In keeping with the policy that prosecution is not the responsibility of the victim, prosecutors in Seattle, Los Angeles, and Santa Barbara have instituted a policy of denying complainants' requests for dismissal once charges have been filed. This change in procedure is critical to the reduction of case attrition.

Parallel with policies on filing charges, prosecutors have adopted various approaches in order to implement no-drop policies. The Los Angeles City Attorney takes a hard line on withdrawal of charges, and refuses to drop any case based on the victim's request, unless there are "compelling circumstances"[18]. In Seattle, if a victim requests the City Attorney to drop charges, the prosecutor asks her to defer her request and to appear in court on the date set for trial. She is encouraged to focus on the positive feelings toward prosecution which led her to make a complaint in the first place[19]. If she still wants to drop the charge on the date of trial, the prosecutor will then request the judge to dismiss the case.

In Santa Barbara, victims are discouraged but not prohibited from dropping charges. The victim is informed at the outset that once charges are filed she will not be permitted to change her mind; the policy is presented as a rigid one to encourage cooperation. The battered woman is encouraged to call the District Attorney's Office anytime she has doubts about pursuing the charge. Usually the prosecutor is able to persuade her not to withdraw; only in a rare case is dismissal requested[20].

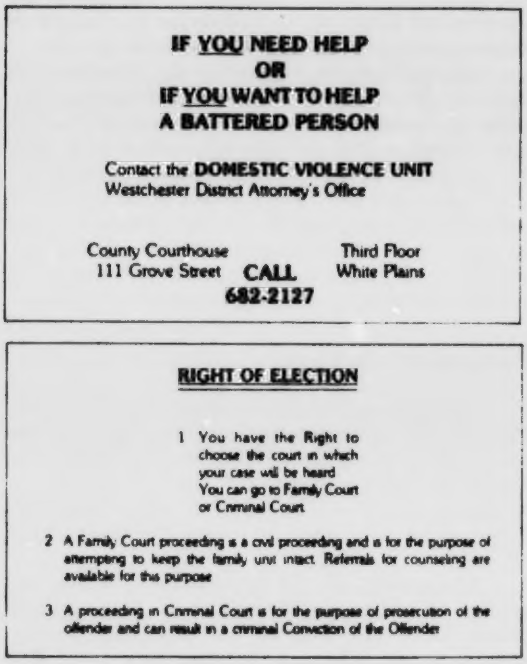
An objection might be raised that even if the prosecutor wishes to go foward, a judge may defer to a battered woman's request for dismissal. A recent decision by an Ohio Court of Appeals held that a judge may not grant a defendent's motion to dismiss based on the victim's reluctance to go forward. The judge was held to have a duty to grant the plaintiff, the State of Ohio, a hearing on the controversy presented. The court held that the granting of defense counsel's motion to dismiss was not abuse of discretion but a violation of judicial duty, because the judge had no discretion[21].

Subpeona of Witnesses

A third method of reducing the number of dismissals is to subpoena battered women before trial. This makes it clear that the victim is not the prime mover in the case, but is a witness for the state. It also may shield the victim from pressure from the abuser not to appear in court. If the abuser threatens retaliation if she testifies, she can show him that she is required by law to go to court. Some prosecutors feel that it is inappropriate to subpeona battered women, because if they fail to apepar, they may be held in contempt of court. A few instances were identified in which battered women in North Carolina were jailed for refusal to testify. Unless the judge hearing a case is hostile toward battered women, issuance of a subpoena is more likely to prevent intimidation and to encourage a victim to appear than to result in inappropriate punitive measures.

Conviction Without Victim Cooperation

When a victim fails to appear in court to testify, the case is usually considered lost. In Seattle, Washington, however, many domestic violence cases have been successfully prosecuted even when the victim is absent. Between 1978 and 1980, in 45 percent of the domestic cases charged by the Seattle City Attorney, the victim did not appear in court on the date of the trial. Rather than requesting dismissal, the prosecution proceeded without her. In 143 out of 420 (34 percent) cases in which this approach was taken, convictions were obtained, based either on the testimony of a police officer or another eyewitness or on photographs of injuries inflicted[22]. The Philadelphia District Attorney's office also reports an increasing number of domestic abuse convictions obtained based solely one eyewitness testimony.



IF YOU NEED HELP
OR
IF YOU WANT TO HELP
A BATTERED PERSON

Contact the **DOMESTIC VIOLENCE UNIT**
Westchester District Attorney's Office

County Courthouse
111 Grove Street
Third Floor
White Plains
CALL
682-2127

RIGHT OF ELECTION

1 You have the Right to choose the court in which your case will be heard You can go to Family Court or Criminal Court

2 A Family Court proceeding is a civil proceeding and is for the purpose of attempting to keep the family unit intact Referrals for counseling are available for this purpose

3 A proceeding in Criminal Court is for the purpose of prosecution of the offender and can result in a criminal Conviction of the Offender

VICTIM INFORMATION CARDS
Police in Westchester County distribute these cards to battered women when they answer domestic violence calls.

Matching the Prosecutor's Objectives with the Victim's Needs

The penalties imposed on the abuser after conviction may have an almost equal impact on the life of the victim. Many domestic violence complainants withdraw charges because they believe that criminal conviction will necessarily result in a jail sentence for the abuser, which they may not want and which may cause the victim to lose her only source of financial support.

In Santa Barbara, most of the women who file criminal charges want assistance from the court in stopping the above, but want to continue relationships with their mates. Many victims wish to avoid a courtroom confrontation with their mates. Therefore, the prosecutor tries to plea bargain as many cases as possible, and offers to recommend a sentence of probation with mandatory participation in counselling in exchange for a guilty plea. Talmadge explained that she is not so lenient in cases in which there has been a serious injury. There, she state, "it would be unconscionable" not to ask for a jail sentence[23].

The Los Angeles City Attorney's program also aims for results which correspond to the complainant's desires. Attorneys do not request incarceration for a first offender unless the victim has been severely injured. Instead, the guidelines require prosecutors to recommend that the court require "[the defendent's] participation in a court-approved counseling program ... as a condition of probation[24]." A jail sentence is sought if the abuser has a prior criminal conviction on a domestic violence charge.

In Seattle, many cases are prosecuted as misdemeanors which, according to staff of the Battered Women's Project, could be classified as felonies. This is because the City Attorney's office (which handles misdemeanors) has a highly visible advocacy unit for battered women, because the County Attorney is reluctant to prosecute cases which are uncertain to result in conviction, and because police perceive domestic abuse as a disdemeanor offense. So the charges filed and the penalties imposed in domestic cases in Seattle are often lower than those imposed for similar crimes between strangers. The result, however, is that the penalties sought, most often probation and counselling, match the desires which led the victim to seek help from the courts.

Some prosecutors who work with battered women are concerned that a systematic reduction of charges and penalties sought leads to treatment of spouse abuse cases as less serious crimes than assaults between strangers. Failure to request jail sentences for serious abuse may confirm the prejudices of criminal justice officials who treat domestic violence as a trivial matter. They, in turn, may refuse to treat seriously other cases in wichh stiffer penalties are sought. What happens to domestic violence cases in court then filters back to the police and reinforces their reluctance to make arrests or to take victims' requests for protection seriously.

Prosecutors should take care that, in a zealous effort to promote equal enforcement of the law against those who assault strangers and those who assault family members, victims are not overlooked. The prosecutor must be aware of whether the victim intends to continue her relationship with her abuser and of the reasons why she has come to court. He or she must then balance the complainant's goals and the need for cooperation against the promotion of equal enforcement of the law in stranger and non-stranger cases.

Victim/Witness Assistance

Lack of communication between prosecutors and battered women is perhaps the biggest single cause of case attrition in domestic violence cases. Victims of abuse who file charges against their mates are often inadequately informed about the process of prosecuting a charge, about what is expected of them and what they should expect. Prosecutors' offices in Westchester County, New

York and in Philadelphia, Seattle, Cleveland, and Santa Barbara have set up victim/witness assistance programs to provide information to and to maintain contact with victims and witnesses of crime. Below are some specific forms of assistance they have offered.

Information About Prosecution

Most people do not understand the criminal justice system. Crime victims need basic information about the functions of criminal courts and prosecutors, the steps in the criminal process between charging and disposition, the amount of time and number of hearings involved, and about the possible results. At each step, the victim needs to be told what has happened and what the next step will be.

An advocate can explain how the court may use the possibility of conviction or jail as leverage to require that the abuser stop his violent behavior, stay away from the victim, or attend counselling, even if it is unlikely a jail sentence will be imposed. The advocate may learn the victim's objectives and in turn communicate them to the prosecutor.

An advocate can inform complainants of the limitations of criminal action, such as likely delays and the possibility of acquittal or an inappropriate sentence. He or she can estimate at the outset the amount of time victims may need to take off from work, and can prepare them if necessary for the experience of telling their stories many times to several prosecutors. Some battered women may be put off by a realistic description of what the criminal justice system offers, and what it demands; those who persist will be better prepared and less disappointed.

Practical Assistance

Victim/witness assistance programs often provide a wide range of practical help to facilitiate victim participation in prosecution. Some victims fail to appear in court because they have no money for bus fare to get to the courthouse or to pay a babysitter. An advocate can discover such problems and arrange assistance. Many advocates accompany victims to court to explain the process and to reduce the victim's fear of confronting the defendent.

Battered women filing criminal charges against men they live with are in a precarious position. If the situation is extremely volatile, a victim advocate can conduct local shelters to find out if space is available, or advise the victim to move out and stay with friends or family. If the victim does not wish to leave, she might be advised to alert neighbors to the danger and ask them to call the police if they hear loud noises. The victim might visit the local police department to discuss the problem; this may result in quicker police response and increased willingness to provide protection, especially if the department is small.

If the parties do not live together, or if the abuser is ordered out of the house, the victim should be encouraged to change the locks on the doors and to make sure that the windows fasten securely. Any weapons in the house should be removed.

Battered women should be instructed how to respond if the abuser threatens to become violent unless the victim drops charges or agrees to deny in court that she was beaten. The victim should insist that she has no choice but to proceed and to tell the truth in court. Debbie Talmadge in Santa Barbara reports that this tactic may make the abuser more cautious because it removes his power to keep the violence hidden. Also it may increase the likelihood that he will plead guilty.

Some victim/witness assistance programs provide services not directly related to criminal prosecution, such as information about other avenues of legal redress, referrals to shelters or counsellors, or advice about how to obtain employment or public benefits. Because battered women often initiate criminal action during crisis, obtaining continued cooperation may depend on the victim's access to other sources of help. This broader assistance is important because the criminal courts are a major intake point for people with a variety of problems. While prosecution may be one step in intervening in a violent relationship, other more direct forms of assistance may be equally useful in preventing subsequent violence.

Protection of the Victim

Prosecutors cannot guarantee that a battered woman will not be assaulted while criminal charges are pending, unless the defendent is held in jail until trial. This is rarely an option[25]. There are, however, measures which can be taken by the prosecutor's office and by the victim to reduce the likelihood of violence.

The prosecutor can request that the abuser's release on bail be conditioned on his staying away from the victim and on his not threatening, assaulting, or otherwise intimidating her[26]. Bail contracts or agreements should be modified to allow revocation if the victim is intimidated[27]. If the court system does not provide for police notification of such orders, a victim's advocate can contact the police and request their cooperation in enforcement.

If the victim is threatened or assaulted, prosecutors should request a speedy trial of the pending charges to reduce the likelihood of subsequent intimidation[28]. Also, care should be taken that the victim's address is not released to someone likely to threaten her.

Legislation on victim/witness intimidation, which makes it a crime to interfere with a citizen seeking redress through the criminal justice system (or with any witness to a crime), has been enacted in some states[29]. This legislation, however, is rarely enforced. In 1979, the American Bar Association proposed model legislation making it a felony to attempt to prevent or dissuade any witness from testifying in a trial through the use of force or threatened or attempted force against the witness or a family member of the witness. Under the model statute, any pretrial release is deemed to include a condition that no witness be intimidated[30].

However, absence of such legislation does not preclude prosecution of victim/witness intimidation under existing criminal laws nor is legislation needed to impose conditions on the release of the abuser.

If the judge does not impose conditions on release, complainants may be protected from intimidation by a civil protection order. Protection orders may be used in conjunction with criminal charges since most of the statutes expressly provide that the remedy is nonexclusive. Helen Smith, an Assistant District Attorney in Portland, Oregon reports that no-contact orders are available from criminal court, but they are difficult to enforce. Therefore, she advises complainants in spouse abuse cases to petition also for a protection order[31].

Many of the new statutes allow a judge to evict an abuser; also they provide detailed procedures for enforcement[32]. In some places, victim advocates assist complainants in filing criminal charges and in filing petitions for protection orders. In Carson City, Nevada, prosecutors are willing to file protection order petitions for battered women. If no one else in the community offers free assistance in preparing petitions, it may be important for staff in the prosecutor's office to assume this function.

Victim Compensation

Many battered women who file criminal charges have suffered substantial losses as a result of the abuse. These may include extensive medical bills, attorney's fees, property damage, or time lost from work. Few victims are in a position to seek compensation through a personal injury lawsuit, because of the time and expense. A victim advocate may provide an important service to the victim and buttress her desire to cooperate with the prosecutor by informing her of available victim compensation programs and by helping her to obtain compensation.

Victims of domestic violence are ineligible for compensation under most of the twenty-nine state statutes providing for compensation of crime victims[33]. Prosecutors concerned about reducing case attrition should urge expansion of programs created by these statutes to make battered women eligible for compensation. The domestic violence diversion program in Marin County, California requries that abusers pay restitution to victims as a condition of their participation in diversion. The benefits of such programs may be more tangible to a victim than any other consequences of criminal prosecution.

Case Assignment

Prosecutors' offices which handle large numbers of domestic abuse cases should consider assigning at least one full-time advocate to work exclusively on those cases. This would allow for the development of expertise to address the myriad of problems which arise in spouse abuse cases.

Whether or not functions are specialized, staff should provide battered women with information and referrals, maintain contact while charges are pending, facilitate court appearances by arranging transport or child care, and help batterd women who become criminal complainants obtain needed protection. Provision of these services in Santa Barbara, Westchester County, and Seattle has reduced greatly the number of domestic assault cases which are dismissed because of victim noncooperation.

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1. Interview with Deborah Talmadge, Assistant District Attorney in Santa Barbara, California, in Santa Barbara (November 4, 1979).
2. Interview with Susan Kaplan, Coordinator of the Domestic Violence Unit in the Los Angeles City Attorney's Office, in Los Angeles (November 8, 1979).
3. Interview with Bebe Holzman Kivitz, Assistant District Attorney in Philadelphia, Pennsylvania, in Vineland, New Jersey (April 21, 1984).
4. *See* Domestic Violence Unit, Westchester County District Attorney, Statistical Summary, Appendix D.
5. *See* Battered Women's Project, Seattle City Attorney's Office, Statistical Summary, Appendix C.
6. Response to "Questionnaire on Prosecution of Domestic Violence Cases" [hereinafter cited as "Questionnaire"], submitted by Jay Howell, Assistant District Attorney in Jacksonville, Florida. The questionnaire was developed by the Center for Women Police Studies and distributed at an NDAA conference in January 1980. Information collected is used only for the purpose of describing respondents' experience with family violence prosecution.
7. Response to "Questionnaire", submitted by Wendy Homer, Coordinator of the Domestic Violence Diversion Program in the Marin County District Attorney's Office, Marin County, California. This questionnaire was submitted before data had been collected in cases admitted to the diversion program.
8. K. WILLIAMS, THE ROLE OF THE VICTIM IN THE PROSECUTION OF VIOLENT CRIMES 28 (1978), (available from the Institute for Law and Social Research). Nonstranger crimes are defined in the INSLAW study to include those committed against family members, and friends or acquaintances of the defendent. This may explain why the rate of nonstranger case attrition reported in the study is lower than that reported for family violence cases by prosecutors interviewed.
9. Seattle Statistical Summary, *supra* note 5, at Table 3. The 83 percent figure is computed by dividing the total number of convictions and guilty pleas in which the victim cooperated by the total number of cases in which the victim cooperated.

10. *See* Westchester County Statistical Summary, *supra* note 4.

11. *See prosecutors discourage Battered Women from Dropping Charges*, 3 RESPONSE TO VIOLENCE IN THE FAMILY 1 (December 1979).

12. *See* Victim Contact Letter, used by Battered Women's Project, Seattle City Attorney, p. 37.

13. *See* Police Referral Postcard, used by Domestic Violence Unit, Westchester County District Attorney, p. 127.

14. Interview with Jeanine Pirro, Director of the Domestic Violence Unit, Westchester County District Attorney, in White Plains, New York (September 18, 1979).

15. F. CANNAVALE, JR., VICTIM COOPERATION 87-91 (1976).

16. LOS ANGELES CITY ATTORNEY, DOMESTIC VIOLENCE PROGRAM MANUAL 23 (2d ed. 1980).

17. *See* Seattle Statistical Summary, *supra* note 5.

18. LOS ANGELES CITY ATTORNEY, *supra* note 16, at 23. This manual includes the following excerpt from the CRIMINAL BRANCH TRIAL MANUAL:

> Victims do not have the authority to "drop charges"; only the prosecutor can make application to the court for dismissal or seek the court's approval of an amendment to the original complaint for the purpose of a plea to a reduced charge.
>
> Complaints filed in compliance with the Domestic Violence Filing Guidelines *shall not be dismissed or reduced* in the absence of compelling circumstances *and* supervisory approval. Persons charged with such crimes will be required to plead to the offense charged or proceed to trial.

19. Telephone interview with Sally Buckley, Director of the Battered Women's Project of the Seattle City Attorney (September 1980).

20. Interview with Deborah Talmadge, *supra* note 1.

21. *City of Dayton v. Thomas*, 17 Ohio Opinions 3d 255 (1980).

22. *See* Seattle Statistical Summary, *supra* note 5, at Table 3; interview with Judge Barbara Yannick of the Seattle Municipal Court, in Seattle Washington (November 18, 1980).

23. Interview with Deborah Talmadge, *supra* note

24. LOS ANGELES CITY ATTORNEY, *supra* note 16, at 23. This description of forms of assistance with may be provided to domestic violence complainants is drawn largely from observation of victim advocates at work in prosecutors' offices in Seattle, Washington, Westchester County, New York, and Philadelphia, Pennsylvania. For other information on victim/witness assistance, *see* E. VIANO, Ph.D., VICTIM/WITNESS SERVICES: A REVIEW OF THE MODEL (1979); BATTELLE MEMORIAL INSTITUTE LAW AND JUSTICE STUDY CENTER, FORCIBLE RAPE: PROSECUTOR ADMINISTRATIVE AND POLICY ISSUES: PROSECUTORS' VOLUME III (1978).

25. *See* Chapter Seven, "Post-Arrest Detention."

26. *See* Chapter Four, "Conditions on Pretrial Release".

27. ABA, REDUCING VICTIM/WITNESS INTIMIDATION 10-12 (1979).

28. *See* petition for Expedited Prosecution, used by Santa Barbara District Attorney, Appendix K.

29. ABA, *supra* note 27 at 10.

30. *Id.* at 12.

31. Interview with Helen Smith, Assistant District Attorney in Portland, Oregon, in Colorado Springs, Colorado (January 1980).

32. *See State Legislation on Domestic Violence*, 4 RESPONSE TO VIOLENCE IN THE FAMILY (September/October 1981).

33. D. CARROW, CRIME VICTIM COMPENSATION (1980) (available from the National Criminal Justice Reference Service).

RECOMMENDATIONS

Violence in families continues partly because it is ignored or tacitly accepted by the institutions from which battered women seek help. By taking a firm stand that battering is a crime which will be punished, prosecutors can provide victims with an enforceable right not to be beaten, and communicate to abusers that family violence will no longer be treated as a private matter. Also, by prosecuting spouse abuse cases, prosecutors may influence other criminal justice and social service agencies which still treat wifebeating as a characteristic behavior of the "multiproblem family" and fail to respond in a useful way.

The experience of prosecutors who have etablished programs or units to handle battering cases suggests that these cases can be prosecuted. The relative uniformity in their experience that certain procedures reduce case attrition and increase conviction rates forms a basis for the following recommendations. While further empirical study is needed to determine the effectiveness of various procedures in preventing witness intimidation or in preventing subsequent violence, the practical experience of prosecutors in Seattle, Westchester, Santa Barbara, and Miami, may guide others who wish to take initiatives in prosecuting crimes between intimates.

- To reduce case attrition, prosecutors should adopt a policy that once charges have been filed in spouse abuse cases, victims' requests for dismissal will be denied. Battering should be treated as a crime against the state.
- To make a no-drop policy effective, victim advocates must be placed in the prosecutor's office to provide battered women with

information about the criminal process, to maintain contact while charges are pending, to see that victims obtain adequate protection from intimidation, and to field calls from those who wish to drop charges. This assistance will greatly reduce case attrition. If funding for new staff positions is unavailable, prosecutors should approach advocates who work in shelters or crisis centers about coordinating these activities.

- Charges should be filed in spouse abuse cases based on the sufficiency of available evidence, regardless of whether the parties are still married or living together.
- Prosecutors should relieve battered women of responsibility for filing charges by signing complaints rather than asking victims to sign, and by sending subpoenas to victims prior to trial. This deprives the batterer of his power to manipulate the criminal justice system by intimidating the victim.
- To prevent intimidation of battered women who become complaining witnesses, prosecutors should request that the pretrial release of suspected batterers be conditioned on a no-contact order. This order should specify, in writing, that the defendent vacate a shared residence, that he avoid personal, telephone, or written contact with the victim, that he not assault or harass her, and that visitation with children shall be at specified times in the presence of a third party. The defendent, the victim, and the police should receive copies fo the order.
- Where violence has been serious and chronic, prosecutors may have no choice but to recommend incarceration. In less serious cases, sentencing recommendations should be based at least in part on the goals of the victim in making a complaint. In many cases this will lead to a recommendation of probation or a suspended jail sentence conditioned on participation in counseling.
- Post-charge diversion may be used in cases where the abuser has no prior criminal record. A diversion program should include intensive treatment focused on the violence. If possible, treatment should be initiated within a day of the beating which formed the basis for the charge. Diversion should be conditioned on the victim's approval; if there is any abuse during diversion, prosecution should be resumed and jail recommended.
- Prosecutors should work with mental health agencies to make training on treating men who batter available to therapist. Sentencing recommendations may then request that defendents in domestic cases be ordered into treatment focused on their violent behavior. Batterers ordered into counseling should be closely tracked by a bail agency, a probation department, or if prosecution is deferred, by a prosecutor's office.
- Police should arrest batterers whenever probable cause and statutory requirements are met, and they should detain persons arrested for domestic assault overnight if the vitim would be endangered by the defendent's immediate release, or if she was seriously injured and remains in a common residence. Police should file reports on spouse abuse cases whether or not an arrest is made. The report will guide the police in responding to subsequent calls, and will be available for use as evidence if the prosecutor or the victim takes legal action to prevent subsequent abuse.
- Staff in the prosecutor's office should identify spouse abuse cases by reviewing police reports and should contact victims by telephone or letter to inform them of the option of filing criminal charges.
- Prosecutors may prevent subsequent abuse in spouse abuse cases in which no charges are filed by sending warning letters to batterers or by meeting with batterers to inform them of the criminality of violent assault and the likely consequences of subsequent violence.

Implementation of changes in prosecutorial policy and practice may be slowed by a variety of political, fiscal, and bureaucratic obstacles. When the programs described in the preceding chapters, sought to improve access to criminal court for battered women, all encountered objections from chief prosecutors, resistance to change from judges, or problems in persuading police to file reports more frequently. Overcoming or circumventing these problems is the first and most difficult step in changing prosecutorial policy on domestic violence cases.

Most of the programs discussed had federal grants which paid the salaries of staff seeking to improve criminal justice response to spouse abuse. With the loss of the Law Enforcement Assistance Administration, and other federal sources of funding such grants may be scarce. However, some of the changes suggested can be made without special funding, through a change of policy or reallocation of existing resources. Even in the absence of supplementary funding for an elaborate program, prosecutors who make clear to their communities that battering is a law enforcement problem and that wife-beaters will be treated as criminals can play a major role in stopping domestic violence.

NOTE:

A copy of *Prosecution of Spouse Assault: Innovations in Criminal Justice Response* is available for $10 (US) from the Center for Women Policy Studies, 2000 P Street NW, Suite 508, Washington, D.C. 20036.

The Minneapolis Domestic Violence Experiment

By Lawrence W. Sherman and Richard A. Berk

Under a grant from the National Institute of Justice, the Minneapolis Police Department and the Police Foundation conducted an experiment from 1981 to mid-1982 testing police responses to domestic violence. A technical report of the experiment can be found in the April 1984 issue of the *American Sociological Review*. This report summarizes the results and implications of the experiment. It also shows how the experiment was designed and conducted so the reader may understand and judge the findings.

Findings in Brief

The Minneapolis domestic violence experiment was the first scientifically controlled test of the effects of arrest for any crime. It found that arrest was the most effective of three standard methods police use to reduce domestic violence. The other police methods—attempting to counsel both parties or sending assailants away from home for several hours—were found to be considerably less effective in deterring future violence in the cases examined. These were not life-threatening cases, but rather the minor assaults which make up the bulk of police calls to domestic violence.

The findings, standing alone as the result of one experiment, do not necessarily imply that all suspected assailants in domestic violence incidents should be arrested. Other experiments in other settings are needed to learn more. But the preponderence of evidence in the Minneapolis study strongly suggests that the police should use arrest in most domestic violence cases.

Why the Experiment Was Conducted

The purpose of the experiment was to address an intense debate about how police should respond to misdemeanors, cases of domestic violence. At least three viewpoints can be identified in this debate:

1 The traditional police approach of doing as little as possible, on the premise that offenders will not be punished by the courts even if they are arrested, and that the problems are basically not solvable.
2 The clinical psychologists' recommendations that police actively mediate or arbitrate disputes underlying the violence, restoring peace but not making any arrests.
3 The approach recommended by any women's groups and the Police Executive Research Forum (Loving, 1980) of treating the violence as a criminal offense subject to arrest.

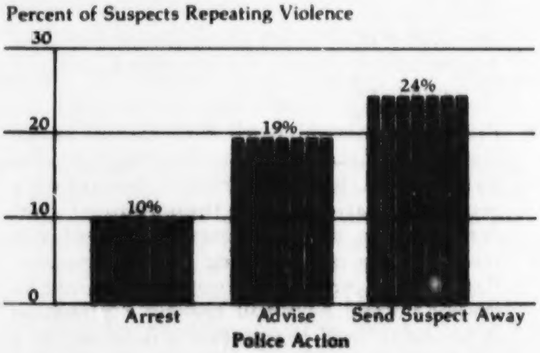
If the purpose of police responses to domestic violence calls is to reduce the likelihood of that violence recurring, the question is which of these approaches is more effective than the others?

Policing Domestic Assaults

Police have been typically reluctant to make arrests for domestic violence (Berk and Loseke, 1981), as well as for a wide range of other kinds of offenses, unless a victim demands an arrest, a suspect insults an officer, or other factors are present (Sherman, 1980). Parnas' (1972) observations of the Chicago police found four categories of police action in these situations: negotiating or otherwise "talking out" the dispute; threatening the disputants and then leaving; asking one of the parties to leave the premises, or, very rarely, making an arrest.

Similar patterns are found in many other cities. Surveys of battered women who tried to have their domestic assailants arrested report that arrest occurred in only ten percent (Roy, 1977:35) or three percent (see Langley and Levy, 1977:219) of the cases. Surveys of police agencies in Illinois (Illinois

Figure 1 Percentage of Repeat Violence Over Six Months For Each Police Action:
OFFICIAL RECORDS N = 314



Law Enforcement Commission, 1978) and New York (Office of the Minority Leader, 1978) found explicit policies against arrest in the majority of the agencies surveyed. Despite the fact that violence is reported to be present in one-third (Bard and Zacker, 1974) to two-thirds (Black, 1980) of all domestic disturbances police respond to, police department data shows arrests in only five percent of those disturbances in Oakland (Hart, n.d., cited in Meyer and Lorimer, 1977:21), six percent of those disturbances in a Colorado city (Patrick, Ellis, and Hoffmeister, n.d., cited in Meyer and Lorimer, 1977:21), and six percent in Los Angeles County (Emerson, 1979).

The best available evidence on the frequency of arrest is the observations from the Black and Reiss study of Boston, Washington, and Chicago police in 1966 (Black, 1980:182). Police responding to disputes in those cities made arrests in 27 percent of violent felonies and 17 percent of the violent misdemeanors. Among married couples (Black, 1980:158), they made arrests in 26 percent of the cases, but tried to remove one of the parties in 38 percent of the cases.

The apparent preference of many police for separating the parties rather than arresting the offender has been attacked from two directions over the past 15 years. The original critique came from clinical psychologists who agreed that police should rarely make arrests (Potter, 1978:46; Fagin, 1978:123-124) in domestic assault cases and argued that police should mediate the disputes responsible for the violence. A highly publicized demonstration project teaching police special counselling skills for family crisis intervention (Bard, 1970) failed to show a reduction in violence, but was interpreted as a success nonetheless. By 1977, a national survey of police agencies with 100 or more officers found that over 70 percent reported a family crisis intervention training program in operation. Although it is not clear whether these programs reduced separation and increased mediation, a decline in arrests was noted for some (Wylie, *et al.*,1976). Indeed, many sought explicitly to *reduce* the number of arrests (University of Rochester, 1974; Ketterman and Kravitz, 1978).

By the mid-1970s, police practices were criticized from the opposite direction by feminist groups. Just as psychologists succeeded in having many police agencies respond to domestic violence as "half social work and half police work", feminists began to argue that police put "too much emphasis on the social work aspect and not enough on the criminal" (Langley and Levy, 1977:218). Widely publicized lawsuits in New York and Oakland sought to compel police to make arrests in every case of domestic assault, and state legislatures were lobbied successfully to reduce the evidentiary requirements needed for police to make arrests for misdemeanor domestic assaults. Some legislatures are now considering statutes requiring police to make arrests in these cases.

The feminist critique was bolstered by a study (Police Foundation, 1976) showing that for 85 percent of a sample of spouse killings, police had intervened at least once in the preceding two years. For 54 percent of those homicides, police had intervened five or more times. But it was impossible to determine from the data whether making more or fewer arrests would have reduced the homicide rate.

How the Experiment Was Designed

In order to find which police approach was most effective in deterring future domestic violence, the Police Foundation and the Minneapolis Police Department agreed to conduct a classic experiment. A classic experiment is a research design that allows scientists to discover the effects of one thing on another by holding constant all other possible causes of those effects. The design of the experiment called for a lottery selection, which ensured that there would be no difference among the three groups of suspects receiving the different police responses (Cook and Campbell, 1979). The lottery determined which of the three responses police officers would use on each suspect in a domestic assault case. According to the lottery, a suspect would be arrested, or sent from the scene of the assault for eight hours, or given some form of advice, which could include mediation at an officer's discretion. In the language of the experiment, these responses were called the arrest, send, and advise treatments. The design called for a six-month follow-up period to measure the frequency and seriousness of any future domestic violence in all cases in which the police intervened.

The design applied only to simple (misdemeanor) domestic assaults, where both the suspect and the victim were present when the police arrived. Thus, the experiment included only those cases in which police were empowered, but not required, to make arrests under a recently liberalized Minnesota state law. The police officer must have probable cause to believe that a cohabitant or spouse had assaulted the victim within the past four hours. Police need not have witnessed the assault. Cases of life-threatening or severe injury, usually labeled as a felony (aggravated assault), were excluded from the design.

The design called for each officer to carry a pad of report forms, color coded for the three different police responses. Each time the officers encountered a situation that fit the experiment's criteria, they were to take whatever action was indicated by the report form on the top of the pad. The forms were numbered and arranged for each officer in an order determined by the lottery. The consistency of the lottery assignment was to be monitored by research staff observers riding on patrol for a sample of evenings.

After a police action was taken at the scene of a domestic violence incident, the officer was to fill out a brief report and give it to the research staff for follow-up. As a further check on the lottery process, the staff logged in the reports in the order in which they were received and made sure that the sequence corresponded to the original assignment of responses.

Anticipating something of the background of victims in the experiment, a predominantly minority, female research staff was employed to contact the victims for a detailed, face-to-face interview, to be followed by telephone follow-up interviews every two weeks for 24 weeks. The interviews were designed primarily to measure the frequency and seriousness of victimizations caused by a suspect after police intervention. The research staff also collected criminal justice reports that mentioned suspects' names during the six-month follow-up period.

Conduct of the Experiment

As is common in field experiments, the actual research process in Minneapolis suffered some slippage from the original plan. This section recounts the difficulties encountered in conducting the experiment. None of these difficulties, however, proved finally detrimental to the experiment's validity.

In order to gather data as quickly as possible, the experiment was originally located in two of Minneapolis's four precincts, those with the highest density of domestic violence crime reports and arrests. The 34 officers assigned to those areas were invited to a three-day planning meeting and asked to participate in the study for one year. All but one agreed. The conference also produced a draft order for Chief Anthony Bouza's signature specifying the rules of the experiment. These rules created several new situations to be excluded from the experiment, including whether a suspect attempted to assault police officers, a victim persistently demanded an arrest, or both parties were injured. These additional exceptions allowed for the possibility that the lottery process would be violated more for the separation and mediation treatments than for the arrest treatment. However, a statistical analysis showed that these changes posed no threat to the validity of the experiment's findings.

The experiment began on March 17, 1981. The expectation was that it would take about one year to produce about 300 cases. In fact, the experiment ran until August 1, 1982, and produced 314 case reports. The officers agreed to meet monthly with Lawrence W. Sherman, the project director, and Nancy Wester, the project manager. By the third or fourth month, two facts became clear: Only about 15 to 20 officers either were coming to meetings or turning in cases and the rate at which the cases were turned in would make it difficult to complete the project in one year. By November, it was decided to recruit more officers in order to obtain cases more rapidly. Eighteen additional officers joined the project. But like the original group, most of these officers turned in only one or two cases. Indeed, three of the original officers produced almost 28 percent of the cases, in part because they worked a particularly violent beat and in part because they had a greater commitment to the study. A statistical analysis showed that the effects of police actions did not vary according to which officer was involved. Since the lottery was by officer, this condition created no validity problem for the cases in the study.

There is little doubt that many of the officers occasionally failed to follow fully the experimental design. Some of the failures were due to forgetfulness, such as leaving report pads at home or at the police station. Other failures derived from misunderstanding about whether the experiment applied in certain situations; application of experimental rules under complex circumstances was sometimes confusing. Finally, there were occasional situations that were simply not covered by experimental rules.

Whether any officer intentionally subverted the design is unclear. The plan to monitor the lottery process with ride-along observers broke down because of the unexpectedly low frequency of cases meeting the experimental criteria. Observers had to ride for many weeks before they observed an officer apply one of the treatments. An attempt was made to solve this problem with "chase alongs", in which observers rode in their own car with a portable police radio and drove to the scene of any domestic call dispatched to any officer in the precinct. Even this method failed.

Thus, the possibility existed that police officers, anticipating from the dispatch call a particular kind of incident and finding the upcoming experimental treatment inappropriate, may have occasionally decided to ignore the experiment. In effect, they may have chosen to exclude certain cases in violation of the experimental design. Such action would have biased the selection of the experiment's sample of cases, but there is little reason to believe it actually happened. On the other hand, had they, for example, not felt like filling out extra forms on a given day, this would not affect the validity of the experiment's results.

Table One shows the degree to which the three treatments were delivered as designed. Ninety-nine percent of the suspects targeted for arrest actually were arrested; 78 percent of those scheduled to receive advice did; and 73 percent of those to be sent out of the residence for eight hours actually were sent. One explanation for this pattern, consistent with experimental guidelines, is that mediating and sending were more difficult ways for police to control a situation. There was a greater likelihood that officers might have to resort to arrest as a fallback position. When the assigned treatment is arrest, there is no need for a fallback position. For example, some offenders may have refused to comply with an order to leave the premises.

Table 1
Designed and Delivered Police Treatments in Domestic Assault Cases

	Delivered Treatment			
Designed Treatment	Arrest	Advise	Separate	
ARREST	98.9% N=91	0.0% N=0	1.1% N=1	29.3% N=92
ADVISE	17.6% N=19	77.8% N=84	4.6% N=5	34.4% N=108
SEPARATE	22.8% N=26	4.4% N=5	72.8% N=83	36.3% N=114
TOTAL	43.3% N=136	28.3% N=89	28.3% N=89	100% N=314

This pattern could have biased estimates of the relative effectiveness of arrest by removing uncooperative and difficult offenders from mediation and separation treatments. Any deterrent effect of arrest could be underestimated and, in the extreme, arrest could be shown to increase the chance of repeat violence. In effect, the arrest group would have too many "bad buys" *relative* to the other treatments.

Fortunately, a statistical analysis of this process shows that the delivered treatments conformed very closely to the experimental design, with no problems of bias.

Things went less well with interviews of victims; only 205 (of 330, counting the few repeat victims twice) could be located and initial interviews obtained, a 62 percent completion rate. Many of the victims simply could not be found, either for the initial interview or for follow-ups. They had left town, moved somewhere else, or refused to answer the phone or doorbell. The research staff made up to 20 attempts to contact these victims and often employed investigative techniques (asking friends and neighbours) to find them. Sometimes these methods worked, only to have the victim give an outright refusal, or break one or more appointments to meet the interviewer at a "safe" location for the interview.

The response rate to the biweekly follow-up interviews was even lower than for the initial interview, as response rates have been in much research on women crime victims. After the first interview, for which the victims were paid $20, there was a gradual falloff in completed interviews with each successive wave; only 161 victims provided all 12 follow-up interviews over the six months, a completion rate of 49 percent. Whether paying for the follow-up interviews would have improved the response rate is unclear; it would have added over $40,000 to the cost of the research. When the telephone interviews yielded few reports of violence, every fourth interview was conducted in person.

Fortunately, there is absolutely no evidence that the experimental treatment assigned to the offender affected the victim's decision to grant initial interviews. Statistical tests showed there was *no* difference in victims' willingness to give interviews according to what police did, race of victim, or race of offender.

In sum, despite the practical difficulties of controlling an experiment and interviewing crime victims in an emotionally charged and violent social context, the experiment succeeded in producing a promising sample of 314 cases with complete official outcome measures and an apparently unbiased sample of responses from the victims in those cases.

Results

The 205 completed initial interviews provide some sense of who the subjects involved in domestic violence are, although the data may not properly represent the characteristics of the full sample of 314. They show the now familiar pattern that domestic violence cases coming to police attention disproportionately involve unmarried couples with lower than average educational levels, who are disproportionately minority and mixed race (black male, white female) and who are very likely to have had prior violent incidents with police intervention. The 60 percent unemployment rate for the experiment's suspects is strikingly high in a community with only about five percent of the workforce unemployed. The 59 percent prior arrest rate is also strikingly high, suggesting (with the 80 percent prior domestic assault rate) that the suspects generally are experienced law-breakers who are accustomed to police interventions. But with the exception of the heavy representation of Native-Americans due to Minneapolis' proximity to many Indian reservations, the characteristics in Table Two are probably close to those of domestic violence cases coming to police attention in other large U.S. cities.

Table 2

Victim and Suspect Characteristics: Initial Interview Data and Police Sheets

A. Unemployment		
Victims	61%	
Suspects	60%	
B. Relationship of Suspect to Victim		
Divorced or separated husband		3%
Unmarried male lover		45%
Current husband		35%
Wife or girlfriend		2%
Son, brother, roommate, other 15%		
C. Prior Assaults and Police Involvement		
Victims assaulted by suspect, last six months		80%
Police intervention domestic dispute, last six months		60%
Couple in counseling program		27%
D. Prior Arrests of Male Suspects		
Ever arrested for any offense		59%
Ever arrested for crime against person		31%
Ever arrested on domestic violence statute		5%
Ever arrested on an alcohol offense		29%
E. Mean Age		
Victims	30 years	
Suspects	32 years	
F. Education	Victim	Suspect
high school	43%	42%
high school only	33%	36%
high school	24%	22%
G. Race	Victim	Suspect
White	57%	45%
Black	23%	36%
Native-American	18%	16%
Other	2%	3%

N=205 (Those cases for which initial interviews were obtained)

Two kinds of measures of repeat violence were used in the experiment. One was a police record of an offender repeating domestic violence during the six-month follow-up period, either through an offense or an arrest report written by any officer in the department or through a subsequent report to the project research staff of an intervention by officers participating in the experiment. A second kind of measure came from the interviews in which victims were asked if there had been a repeat incident with the same suspect, broadly defined to include an actual assault, threatened assault, or property damage.

The technical details of the analysis are reported in the April 1984 *American Sociological Review*. The bar graphs in Figures 1, 2, and 3 approximate equations presented in that article, which made statistical adjustments for such problems as the falloff in victim cooperation with the interviews. Figure 1 shows the results taken from the police records on subsequent violence. The arrest treatment is clearly an improvement over sending the suspect away, which produced two and a half times as many repeat incidents as arrests. The advice treatment was statistically not distinguishable from the other two police actions.

Figure 2 Percentage of Repeat Violence Over Six Months For Each Police Action: VICTIM INTERVIEWS N = 161

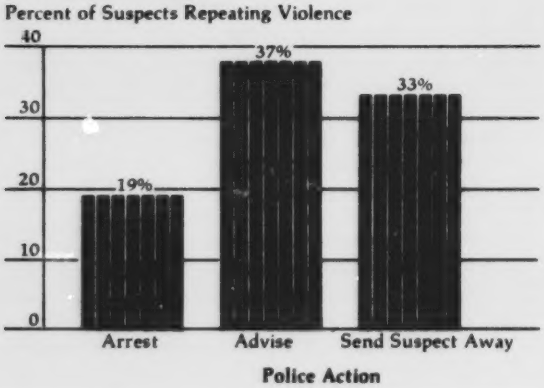
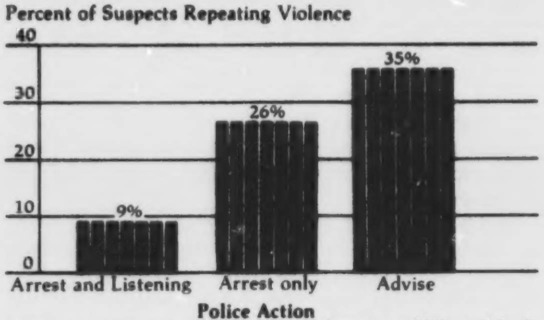


Figure 2 shows a somewhat different picture. According to the victims' reports of repeat violence, arrest is still the most effective police action. But the advise category, not sending the suspect away, produced the worst results, with almost twice as much violence as arrest. Sending the suspect away produced results that were not statistically distinguishable from the results of the other two actions. It is not clear why the order of the three levels of repeat violence is different for these two ways of measuring the violence. But it is clear that arrest works best by either measure.

Additional statistical analysis showed that these findings were basically the same for all categories of suspects. Regardless of the race, employment status, educational level, criminal history of the suspect or how long the suspect was in jail when arrested, arrest still had the strongest violence reduction effect. There was one factor, however, that seemed to govern the effectiveness of arrest: whether the police showed interest in the victim's side of the story.

Figure 3 shows what happens to the effect of arrest on repeat violence incidents when the police do or do not take the time to listen to the victim, at least as the victim perceives it. If police do listen, that reduces the occurrence of repeat violence even more. But if the victims think the police did not take the time to listen, then the level of victim-reported violence is much higher. One interpretation of this finding is that by listening to the victim, the police "empower" her with their strength, letting the suspect know that she can influence their behavior. If police ignore the victim, the suspect may think he was arrested for arbitrary reasons unrelated to the victim and be less deterred from future violence.

Figure 3 Percent of Repeat Violence Over Six Months For Each Police Action and Listening to Victim: Victim Interviews* N = 194



*All bars are approximate, and drawn from a multivariate model that includes the effects of the prior number of arrests for crimes against persons.

Conclusions and Policy Implications

It may be premature to conclude that arrest is always the best way for police to handle domestic violence, or that all suspects in such situations should be arrested. A number of factors suggest a cautious interpretation of the findings.

Sample Size. Because of the relatively small numbers of suspects in each sub-category (age, race, employment status, criminal history, etc.), it is possible that this experiment failed to discover that for some kinds of people, arrest may only make matters worse. Until subsequent research addresses that issue more thoroughly, it would be premature for state legislatures to pass laws requiring arrests in *all* misdemeanor domestic assaults.

Jail Time. Minneapolis may be unusual in keeping most suspects arrested for domestic assault in jail overnight. It is possible that arrest would not have as great a deterrent effect in other cities where suspects may be able to return home within an hour or so of arrest. On the other hand, Minneapolis seems to have the typical court response to domestic violence: only three out of 136 of the arrested suspects ever received a formal sanction from a judge.

Location. Minneapolis is unusual in other respects: a large Native-American population, a very low rate of violence, severe winters, and low unemployment rate. The cultural context of other cities may produce different effects of police actions in domestic violence cases.

Interviewer Effect. Strictly speaking, this experiment showed the effects of three police responses *plus* an intensive effort by middle class women to talk to victims over a six-month follow-up. It is possible that the interviewers created a "surveillance" effect that deterred suspects. Whether the same effects would be found without the interviews is still an open question.

A replication of the experiment in a different city is necessary to address these questions. But police officers cannot wait for further research to decide how to handle the domestic violence they face each day. They must use the best information available. This experiment provides the only scientifically controlled comparison of different methods of reducing repeat violence. And on the basis of this study alone, police should probably employ arrest in most cases of minor domestic violence.

Legislative Implications. The findings clearly support the 1978 statutory reform in Minnesota that made the experiment possible. In many states the police are not able to make an arrest in domestic violence cases without the signed complaint of a victim. In at least one state (Maryland), police cannot make an arrest without a warrant issued by a magistrate. This experiment shows the vital importance of state legislatures empowering police to make probable cause arrests in cases of domestic simple assault.

Impact of the Experiment. As a result of the experiment's findings, the Minneapolis Police Department changed its policy on domestic assault in early March of 1984. The policy did not make arrest 100 percent mandatory. But it did require officers to file a written report explaining why they failed to make an arrest when it was legally possible to do so. The policy was explained to all patrol officers in a roll call videotape. The initial impact of the policy was to double the number of domestic assault arrests, from 13 the weekend before the policy took effect to 28 the first weekend after. On one day in mid-March there were 42 people in the Minneapolis jail on spouse assault charges, a record as far as local officials could remember.

The experiment apparently has done more than contributed to knowledge. It also has helped to change police behavior in Minneapolis, and possibly in other cities as well. If the findings are truly generalizable, the experiment will help ultimately to reduce one of the most common forms of violent crime.

When I was a young police officer in Oakland, California, nothing perplexed or concerned me more than dealing with domestic assault cases, the staple and bane of every patrol officer's work life. I sensed that my colleagues and I were not doing enough to deter future violence. We had little guarantee that when we left the scene of a violent domestic assault, it would not recur. But, frankly, like other police officers, we did not know what we could do to prevent new eruptions of violence in domestic settings.

I believe the nation's almost half million police officers are tired of responding with the same old non-effective prescriptions to the plight of the battered victims who get caught up in domestic fights. So when I was appointed director of the National Institute of Justice, I was determined to help find the answer to what the police could do to deter domestic violence. The job of NIJ is to get practical answers to important, policy relevant problems such as this one.

The answer, as this report documents, appears to be that the police should use arrests quite frequently in typical domestic violence cases if they want to reduce assaults. More research, of course, is needed before we can say that only arrest should be used in cases of domestic assault. But the Minneapolis research is very useful in guiding our way.

How the research was obtained is a landmark in policing about which readers should know. For the first time in the history of police research, a police department permitted experimentation with officers' responses to a situation involving a specific offense. As this report notes, to permit the experiment to happen, the responses were determined through a lottery method. In that way, the three typical police responses to domestic violence calls received a fair test. The Minneapolis Police Department deserves immense credit for being the laboratory in which we could gain, in the most effective way possible, important new information about a common, serious police problem.

James K. Stewart,
Director, National Institute of Justice

No call for service is more familiar, challenging, and personally disheartening to a police officer than the summons to a domestic assault. Once again, two people living together are engaged in physical violence; once again there are bruises, blood, and, perhaps, broken bones; once again, there has been an assault, and the officer fears that worse might occur. Often, terrified children witness the battle and pick up an early lesson that violence is somehow an appropriate way of dealing with problems and frustrations.

What does the officer do?

The common police tradition has been to do little. Physical violence within the home was thought to be exempt from the same laws which keep acquaintances or strangers from assaulting each other on the streets. The battered partner in the typical domestic fight was unlikely to sign a complaint, the officer learned from experience. The problems which caused the violence were probably chronic and unsolvable. So the officer restores a semblance of order, warns the assailant to behave, perhaps sends him out of the home, and goes on to the next call.

However, an increasing public awareness of the toll of domestic violence—of its injury to women, as a harbinger of possible homicide, and for its damaging psychological effects on children—has called into question the traditional police response of doing little or nothing when they intervene. But on what could the police rely if they sought to change their response to domestic violence? Hunch, supposition, tradition had been their guides and they seemed insufficient.

So the Police Foundation, through scientific inquiry, sought to supplant tradition with fact in resolving the question: How can the police deter future domestic violence?

The answer to the question and how it was obtained are in this report which I urge the police, policy makers, government officers, and concerned citizens to read and consider. Domestic violence, along with child abuse, is the quiet criminal plague of American life and must be curbed. I believe the Minneapolis experiment makes substantial progress in suggesting how the police can deter such violence.

Patrick V. Murphy
President, Police Foundation

Police handling of chronic, thorny problems such as domestic violence cases usually has been characterized by seat-of-the-pants adoption of remedies thought to work. But little lay behind such cures except an untested belief in their efficacy. Domestic violence provided a fine example of the way police approached difficult problems. Clearly productive answers based on hard evidence were needed.

The Minneapolis domestic violence experiment not only provides new insights into the spouse assault problem and its solutions, but it highlights the general need for analysis, experimentation, and evaluation in law enforcement.

A number of factors traditionally have worked against a belief that arrest works best in both gaining leverage over assailants and deterring future violence. These factors included the absence of legislation that would enable officers to make arrests in misdemeanor assault cases that did not occur in their presence; the male dominated psychology of a police world that did not relish interference in a "man's castle" and affairs; and the notable reluctance of cowed women to come forward or, having found the courage, to see the process of arrest and prosecution through.

The domestic violence experiment, by demonstrating the efficacy of an arrest policy, influenced the Minneapolis legislature to make necessary changes; reshaped the policies of the Minneapolis Police Department to force more arrests; and reinforced the feminist thrust calling for stricter adherence to an arrest policy in domestic violence cases.

All of this combined to change dramatically the way the Minneapolis Police Department looks at, and responds to, domestic violence cases. The Policy will be to arrest. The law enables us to do so and women, the usual victims, are being persuaded to come forward.

We believe an important step has been taken and that this step will influence police handling of domestic violence cases nationally. This experiment, in which the National Institute of Justice, the Police Foundation, and the Minneapolis Police Department participated, has, we think, blazed a new trail for law enforcement's progress.

Anthony V. Bouza
Chief of Police,
Minneapolis Police Department

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Beating Domestic Violence

A new type of program offers help to wife batterers who want to reform

By Kie Delgaty

John started beating Ruth soon after the birth of their second child, in the fourth year of their marriage. The money pressures were much worse, and Ruth kept rubbing it in that she was making as much as he was. When she wasn't at work, Ruth was always busy with the kids and seemed hardly interested in him, or in sex. John was depressed about Christmas coming up, because it always meant more bills. To top it off, he wasn't getting along with his new boss, the regional sales manager. John had always gone out with the boys for a few beers after work, and Ruth had always complained about it; now, he seemed to need a few more to cool out, and she seemed to complain more bitterly.

One Friday in early December, John felt he really needed to get away from it all. He stayed longer than usual at the pub with the guys from work, and struck up a lively conversation with an attractive young woman. She seemed interested in him, too. John left about seven, beginning to feel a bit uptight about not having called to say he'd be late. On the way home, he anticipated Ruth's reaction and began to feel angry at what he knew she would say. "That bitch," he thought, "she better not say anything. I was just having some fun."

The only greeting John got in reponse to his hello was an icy stare. When he asked Ruth how her day had been, she replied, "What was her name, anyway?" Something snapped for John, like an explosion in his head. He backhanded her, once, really hard. In a funny way, he felt both better and worse at the same time.

Much later, when Ruth thought back to that first time John hit her, she couldn't remember any pain. In her mind, it was like replaying a newsreel. She thought about it many times, always feeling somewhat detached and empty. She could see John's arm swing up, unexpectedly, and connect. It lifted her up slightly and threw her a few feet across the room. She lay dazed for a moment, then picked herself up. She immediately resumed making dinner. When it was ready and on the table, she went to the bathroom. She had a nasty black bruise on her cheek and one on her thigh. She felt angry, guilty and confused, all at the same time. She was determined not to cry, but later, when John apologized to her as she lay in bed, it just happened, like a dam bursting. She cried and cried, while John sat, a few feet away, looking helpless and lost, and just saying, "I'm sorry."

The second time John struck her, Ruth decided to talk to her best friend about it. Anne asked what the fight was about, and who said what, but Ruth couldn't really remember all the details. She and John had both been drinking at a party, and she thought that she might have said some nasty things. "Well, it takes two to tango, you know," Anne said. "Maybe you and John should see a marriage counsellor."

Ruth balked at this, preferring instead to deal with the problem by herself. She tried withdrawing quietly when John seemed angry. She tried logic. She tried fighting back. Everything worked for a little while, and then seemed only to make things worse. Eventually, something that Ruth had always suspected came into sharper focus for her. She was powerless. John was a violent and angry man, she concluded. She began to take note of little things. When he was in a hurry to get somewhere and had to stop for red lights, or the driver in front was going too slowly, John would curse loudly and pound the steering wheel with his fists. Once, when they had a flat tire on their way to a party, John kicked the side of the car so hard that he left a large dent.

But what didn't fit with her conclusion was the other John. He was enormously patient with the kids, far more so than Ruth often was. And he was generous, buying frivolous presents that they couldn't afford. And he did work hard, and seemed to be getting somewhere, finally, in his job. And, at times, he could be gentle, and caring, and sociable, and great fun....

John, a 38-year-old, personable, articulate, well-dressed salesman, doesn't fit society's image of the average wife-beater, and yet his case is typical. A number of researchers have suggested that the onset of domestic violence is often associated with periods of stress, a series of incidents contributing to mounting, unresolved tension until the man reaches a breaking point. But whereas some men might cope with such a crisis by breaking down and crying or getting drunk, the man who batters lashes out physically where it is safest to do so: at home. The sudden release of tension that occurs after the first violent episode makes repetition of this behavior more likely.

Other workers in the field of family violence, while willing to admit that stress causes some men to beat their wives, are reluctant to attribute all battering to this cause. They fear that stress can become an excuse for the men's behavior and are concerned that this explanation ascribes some blame to the women involved, implying that if only they worked harder to make things better for their partners they wouldn't be beaten.

Other theories about wife battering are similarly controversial. Much of the research of this phenomenon has sought to develop a psychological profile of the battered woman. According to one school of thought, she is too independent for her partner, who feels that his traditional role is threatened, and so beats her in order to reassert his dominance. By extension, this theory indicts the women's movement, since it threatens the established order in male-female relationships. Another theory is the obverse of this: the battered woman is a traditional, submissive wife who thus becomes a victim of her belief that it is her husband's right to regularly assert his dominance by knocking her around. A third theory suggests that women provoke their husbands, driving them to violence by nagging too much or by being too passive, too clean or too slovenly, and so on.

Many researchers have also examined why women remain in homes with violent men, and these findings, too, are not universally accepted. One observer, Lenore Walker, has suggested that battered women remain because they have "learned" to be helpless. According to Walker, such women first try to stop the violence through changing their behavior, as Ruth attempted to do, but when they don't succeed, become indecisive and confused to the point where they are unable to leave. By implication, such women become partly responsible for continuing the cycle of violence through their failure to act.

A related view, popular with both social scientists and social workers, is the "systems" theory. According to Trevor Williams, executive director of Family Service Canada, the central concept of the systems theory is balance: "If a husband batters his wife, and she does not indicate to him in some strong way—by leaving, for example—that she disapproves of his behavior, then the system stays in balance. What's important is that once the cycle of violence has begun, something has to occur to get it out of balance or the violence will continue. The woman has some responsibility in the change function."

But the learned helplessness and systems theories have many critics, who point out that the woman's failure to leave is often a realistic response to a situation in which she has virtually no options. And, they add, an attempt to ascribe wife abuse to the women's liberation movement or to blame the victims ignores the lessons of history. For most of the past 2,000 years, wife beating has been implicitly and sometimes explicitly endorsed as the prerogative of husbands. It was not until the late nineteenth century that wife abuse was declared a criminal offence. Even so, until two years ago the police and the courts practised a literal "hands-off" policy, treating what happened in the sanctity of the home as a private matter best resolved within the family.

The real explanation for wife abuse, argue feminists and many experts in the field, lies in the basic structure of a society that gives men all the power, and then turns a blind eye to its abuse. Wife battering is an abuse of power, and it continues because the man is free to get away with it.

In the sixth year of their marriage, John and Ruth went to see a marriage counsellor. John was his most rational, charming and articulate self. Ruth, in spite of herself, was nervous, withdrawn, defensive. The counsellor asked John what was happening. Everything was really okay, he said. He had come because Ruth insisted, because she was really upset about everything. They had been having some trouble communicating. But things would get better. When the counsellor asked Ruth, she turned weepy and talked about all the awful things John did: his drinking, his spending, his temper, his slapping her around, his never being home, never paying her any attention. The counsellor was very kind, very supportive. He said there were a lot of things to sort out. They needed to work on their communication skills. He asked them to come back in a week. They agreed. When the time came for the appointment, John stayed late at work.

In year nine, Ruth decided that, finally, she had had enough. In the middle of an argument, John had punched her. For the next few days, Ruth booked off sick from work because of a black eye. The time at home gave her a chance to plan. She called a local transition house she had heard about. A worker there said the house was full, but if Ruth was in danger, they would help her find other emergency accommodation until they could offer her and the children beds. Ruth was relieved, knowing that if she had to, she could find shelter both from John's anger and from his attempts to reconcile. The worker also told Ruth how she could lay a charge of assault, and that the police had a new policy and might themselves charge John were she to contact them.

Ruth also called a lawyer. But he gave her so much confusing information that at first she felt swamped, utterly powerless. He spoke of orders and bonds of all kinds—restraining, peace, custody, access, maintenance, exclusive possession—and at least two or three courts that she would have to appear in. The only thing she knew for certain was that negotiating her way through this maze would probably take months—and it would cost.

Next, Ruth phoned the local family service centre. The woman she spoke to seemed sympathetic and said that she could understand that Ruth felt confused about the best course of action for her and the children. She recommended a group for abused women led by one of the agency's staff members. And she also told Ruth about a self-help group for men who wanted to stop their violent behavior.

John could tell that this time was different. No matter what he did—shower Ruth with presents, beg her forgiveness, help around the house—Ruth simply acted as if he wasn't there during the day and at night slept in the spare room. Two weeks after he blackened her eye, he broke down crying, saying he was lonely, that he couldn't make it without her, promising that he would clean up his act. In desperation, he pleaded with Ruth to tell him if there was anything he could do. She told him about the group for men and said that the violence was his problem. If he wanted to do something about it, he would go to the group. Maybe it would work, maybe it wouldn't. Maybe she would stay with him, maybe she'd leave. She really hadn't made up her mind.

John said he would go.

Most of the Canadian programs for men who batter have been established in the past five years, although one of the first, for men referred by the courts, was developed by Vancouver psychologist Donald Dutton in 1978. In September 1980, David Currie, a social worker with the Family Service Association of Metropolitan Toronto, began to work with groups of batterers referred to him through the Domestic Violence Support project, an advocacy and support service for battered women run by the FSA. Another group was created by Hiatus House, a Windsor, Ontario, transition house for battered women. Influenced by the pioneering work of Emerge, a Boston-based counselling service for men who batter, Hiatus House began to offer groups for husbands in 1981 under the direction of Tom Rolfe. In March 1982, the London, Ontario, Coordinating Committee on Family Violence, a task force established to respond to the needs of battered women, developed a self-help program called Changing Ways (now temporarily suspended), run by Roger Newell and Trevor Jones.

It was in the fall of 1982 that I visited the London program and was in touch with Rolfe and Currie, prior to starting a group for batterers in Ottawa in January 1983. John became one of the group's founding members.

The first time I met him, I knew intuitively that John would come to the group meetings. He was unlike many of the men who had called to make appointments, but never showed up, or had come for a first interview, but not to the group. He said he was still scared that he would lose Ruth. He was jittery, and wrung his hands while we talked. He reminded me of Dave, from the London group, who had told me: "Every day, I would tell her to get out, I don't want you around. Then, when she finally did leave, I went looking for two and a half weeks and I couldn't find her. I had a nervous breakdown."

John—quite wrongly—felt that what was happening was unpredictable and beyond his control. He was afraid that one of these times he might go too far, maybe really hurt Ruth, or worse. This is a legitimate fear—the severity of violence tends to escalate over time, and every year there are a number of deaths that result from wife battering. But through his work in the group, I told him, he would come to recognize the pattern that led to his violence, and how to change that pattern.

John was also worried because he couldn't remember any of the details of the last fight. That was quite common, I assured him. Many men report blacking out after a violent episode. Bill, another of the participants in the London group, had told me: "I experience amnesia around specific incidents because I don't want to know that I am violent and I certainly don't want to remember any of the details." Like Bill, John's memory of that night would come back when he could deal with his guilt.

John suspected that the violence might be caused by his drinking. Should he quit? That would be his decision, I said. Alcohol does not *cause* battering; although about 50 percent of men who batter have an overlapping problem with alcohol, the relationship between the two is not particularly clear. Too often booze is used as an excuse. Many of the men who first try to resolve their problem with alcohol discover that the violence does not stop.

The most important thing, John said, was to patch things up with Ruth. I couldn't offer him any encouragement there; he and Ruth might have to see a counsellor at some point, if they were still together. But as Tom Rolfe had said, "You can't expect a women to be very real in marriage counselling if she's going to get beaten up for what she's said." John should think of the group as an investment in any relationship, present or future. John wanted to know how long it would take. We would meet once a week for two hours. The work of an American researcher, Lance Egley, has indicated that the average length of time before a man can comfortably feel that he has his violence under control is 35 to 40 weeks.

John asked who the other men in the group were. There was Mike, 35, unemployed, into his fourth relationship; Doug, 41, a sometime pilot and jack-of-all-trades, who was separated from his third wife; Dave, 43, a civil servant, married; Ray, 27, separated, a janitor; and Stuart Pearce, who would co-lead the group with me. While we would be the founding members of the group, we could expect to be joined by new members regularly. I expected that the composition of the group would vary, for men who batter come from all ethnic and religious backgrounds and different educational levels. In the Toronto and London groups I had met, among others, a computer programmer, an architectural draftsman, a social service worker, and a construction foreman.

John agreed to do some homework prior to the first meeting. He was to negotiate a time-out arrangement with Ruth, an agreement that either one of them could withdraw if they found a conversation or argument getting too uncomfortable. They were to agree on a signal that either one could use, and both would respect, to indicate that he or she needed to leave. Part of the deal would be that they would return within 24 hours to try to resolve the problem. John also agreed to support safety for Ruth as a priority, to let her go to a transition house if she felt threatened.

At our first meeting, the men introduced themselves and together we established the rules for the group; punctuality; confidentiality; no violence; no interrupting one another; no bullshit. We discussed violence against women from a general perspective: from the mildest to the most severe forms; emotional, sexual, and physical violence; the relationship of domestic violence to violence in society. Stuart and I wanted to create a bond among the men, to break down their sense of isolation from one another and from us. We wanted them to recognize, as Roger Newell in London had said, that "violence is a man's problem. All men can find themselves somewhere on a continuum of violence. It's important to personalize it, to make the loop back to ourselves." The goal for the men, and for Stuart and me, was to listen to one another, and to relate what we heard to our own experience.

During the next three meetings, Stuart and I gave brief formal presentations on the incidence, history and theories of wife beating. Each time, we had the men "check in", reporting whether they had had problems since the last meeting that they wanted to discuss. At the fifth meeting, each man told the story of his own violence.

Initially, much of the storytelling was simply descriptive: "It was Saturday. The kids were out. We had a fight. She smashed our wedding picture. So I hit her." Our task was to help the men recall what they were thinking and feeling. Often they discovered that they had used their internal dialogue to give themselves permission to be violent. They may have said to themselves: "If she does that again, she's asking for it," or "Boy, one more word out of her. . . ." In the group, each member was asked to create and rehearse an alternate dialogue, such as: "I am angry now, and that's okay, but I don't have to be violent," or "She's yelling at me now because she's upset. I can listen to her without getting uptight about what she is saying." In some groups, the participants are asked to keep a daily diary, called an anger log, which helps them to recall their pattern of thinking about incidents at home and at work.

Many men who batter are uncomfortable with any display of independence on the part of their partner. They expect the woman to endorse their role as the authority, the decision maker. Bill, from London, had remarked, "Sometimes I can't deal with that not giving in, especially because she's *my wife*, she's got to give in." Some limit their partner's contact with family and friends, monitor her movements outside the home, and insist on making the decisions about her clothes, purchases, even hairstyle. Some are extremely jealous and suspicious, interpreting any sign of the woman's independence (such as being out of the house without them) as an indication that she may be unfaithful. For many of the men who come to the groups, negotiating the time-out is difficult because it represents a first effort to surrender complete control of the relationship. After several months in our group, Ray observed, "I never liked to leave anything unsettled. When we would get into things, I wanted to finish it right there. I wanted to make sure that she agreed with me, because I felt that somebody had to have the final say in a relationship, and I wanted it to be me. Agreeing to put things aside for a while was tough at first, but once we had done it a few times, it was funny. Sometimes I forgot what we had been fighting about, it was that unimportant."

Most men who batter have a difficult time identifying and expressing feelings other than anger and guilt. They are often particularly uncomfortable with feeling vulnerable and sad, emotions they associate with femininity. In all of the groups, the leaders spend a great deal of time helping the men identify and deal with their feelings. The premise is that unexpressed emotion creates stress or tension. Like the proverbial straw that broke the camel's back, unresolved feelings accumulate until the psyche can tolerate no more. This accounts for the fact that often the final straw may be relatively innocuous behavior on the part of the wife: she didn't keep the kids quiet when her husband was sleeping, she burned dinner, she arrived home late. The fact that the explosion occurs at home, however, suggests that the man chooses the time, the place, and the target.

In the London group, Roger Newell and Trevor Jones brainstormed with the men, listing dozens of different feeling words. Trevor constantly checked out how the men were feeling in a particular situation. For some of the men, like Bill, this was a revelation: "I didn't know that you could feel more than one thing at a time, I had been so conditioned not to show my feelings." Keith recognized that he had poured a considerable amount of energy into suppressing his feelings because he had believed that it was important for a man to do so. "When I was growing up, my boyhood idol, my idea of the perfect male, was Mr. Spock in *Star Trek*. To me, he was 100 percent masculine, no emotion, logical. I fell in love with that character. For a few years that's the way I was."

The muscle tension of some men who batter is obvious from their physical appearance alone. In some groups, the men are taught to monitor their bodies for signs of tension, such as the increased pulse and muscular tension that are characteristic of a body on alert. Some group leaders teach relaxation exercises and assign an exercise program as homework for the men. In all of the groups, self-care is emphasized as an important goal.

When our group broke up for the summer in July, not one of the men who had stuck with the program had beaten his partner since he started coming to the meetings. When John evaluated what he had learned, he pointed out that he now left his work at the office and dealt with problems there on the spot. He was listening more. He didn't get angry so often. His and Ruth's communication had improved.

But most of all, he didn't want to see Ruth with a black eye ever again.

The history of groups for batterers is still so young that little research has been done on *why* such programs work. It is obvious, though, that the participants learn to deal with their own feelings, possibly for the first time in their lives. They also gain a new awareness of themselves, directly and indirectly, through the statements of other group members.

John had clearly changed. A few months after joining our group, he had started to confront the other members. Once, he accused Ray of being self-centred, and challenged him to think about his wife's point of view for a change. On another occasion, he called Mike a quitter who ran away from the problems in his relationships. Several times, John retold the story of his work, his relationships with his children, and his violence. In the revised versions, he spoke of his feelings of frustration, powerlessness, hurt, anxiety, fear, pride, joy—and anger.

These positive effects of the group approach were best expressed by Mario, one of the members of David Currie's Toronto group.

"Just listening to the other members of the group, I would shake my head at some of the things coming out of the session. I was saying to myself, 'Is this the way *I* sound?' And all of a sudden this little light came on and it just hit me that I am responsible for raising my hands and administering the violence."

Where Batterers Can Find Help

The following list provides information about some of the programs across the country for wife batterers. Other groups are being started or are already in existence; for information, contact the National Clearinghouse on Family Violence, Health and Welfare Canada, Brooke Claxton Building, Tunney's Pasture, Ottawa, Ontario K1A 0K9; (613) 995-1050.

BRITISH COLUMBIA

Redirecting Anger Group for Men, Family Services of Greater Vancouver, 1616 West 7th Avenue, Vancouver, B.C. V6J 1S5; (604) 731-4951. Contact Deryl Goldenberg.

Treatment Group for Wife Assaulters, Department of Psychology, University of British Columbia, Vancouver, B.C. V6T 1W5; (604) 228-4592. Contact Dr. Donald Dutton.

The Law Centre, 1221 Broad Street, Victoria, B.C. V8W 2A4; (604) 388-4516. The group is in the start-up phase. For further information, contact Joyce Bewley at the above address or at 1213 Roslyn Road, Victoria, B.C. V8F 4R7; (604) 598-1590.

ALBERTA

Treatment Group for Men Who Batter Their Wives, Forensic Assessment and Outpatient Services, Calgary General Hospital, 841 Center Street East, Calgary, Alberta T2E 0A1; (403) 268-9610.

Odyssey House, 10123-107 Avenue, Grande Prairie, Alberta T8V 1W1; (403) 532-2672. Although Odyssey House is trying to establish a program in the community, it will not be running it. For further information, contact Jackie Gaboury.

MANITOBA

Department of Health, Community Services and Corrections, 25 Tupper Street, Portage la Prairie, Manitoba R1N 3K1; (204) 857-9711. Contact Mel Armstrong.

Family Services of Winnipeg, 4th Floor, 287 Broadway Avenue, Winnipeg, Manitoba R3C 0R9; (204) 947-1401. Contact Steve Moscovitch.

Klinic, 545 Broadway Avenue, Winnipeg, Manitoba R3C 0W3; (204) 786-6943, crisis hotline 786-8686.

ONTARIO

Men's Project, P.O. Box 575, Eganville, Ontario K0J 1T0; (613) 628-2523. The program will begin in June; contact Dr. Michael Petrini.

Family Violence Treatment Program, Family Counselling Service, 55 Delhi Street, P.O. Box 1088, Guelph, Ontario N1H 6N3; (519) 824-2431. Contact Jim Morgan.

Changing Ways, P.O. Box 5600, Terminal A, London, Ontario N6A 2P3; (519) 679-7120. Contact Roger Newell or Trevor Jones. Changing Ways is currently being reorganized, but is expected to start up again this year.

Options, Mississauga Hospital, 100 Queensway West, Mississauga, Ontario L5B 1B8; (416) 279-7330, ext. 2269. Contact Gerry McLellan.

Ottawa Self-Help Group for Men Who Batter, 20-B Benlea Drive, Nepean, Ontario K2G 4A8; (613) 566-3811. Contact Kie Delgaty or Stuart Pearce.

Family Service Association of Metropolitan Toronto, 24 Wellesley Street East, Toronto, Ontario M4Y 1G3; (416) 927-8500. Contact David Currie.

Fresh Start, c/o Hiatus House, 694 Victoria Street, Windsor, Ontario N9A 4N2; (519) 252-7781. Contact Thomas Rolfe.

QUEBEC

"Pro-Gam", P.O. Box 184, Beaubien Branch, Montreal, Quebec H2G 3C9; (514) 727-6681. Contact Robert Philippe or Dennis Farley.

NEW BRUNSWICK

Options, c/o Chimo Health Centre, P.O. Box 1033, Fredericton, N.B. E3B 5C2; (506) 455-9464. Contact Deniz Karman.

Family Enrichment and Counselling Service, 386 St. George Street, Moncton, N.B. E1C 1X2; (506) 854-3840. Contact Jim Morton.

Option: Counselling for Men, 101 Gordon Street, Moncton, N.B. E1C 1M5; (506) 855-2461. Contact Bernard Léger.

Adapt, Department of Social Services, P.O. Box 5001, Saint John, N.B. E2L 4Y9; (506) 658-2536. Contact Robert Doiron.

PRINCE EDWARD ISLAND

Turning Point, P.O. Box 592, Charlottetown, P.E.I. C1A 7L1; (902) 892-2441. Contact Greg Beranger.

A Cycle Theory of Battering+

Dr. Leonore Walker, Colorado Women's College

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After analyzing the 120 battered women's versions of their battering relationships and using some batterers and others involved in working with such violence for comparisons, a cycle theory of battering has been isolated. Rather than constant or random occurrences of battering, there is a definite cycle which is repeated over a period of time. This cycle appears to have three distinct phases which vary in time and intensity both within the same couple and between different couples. The three phases are: the tension building phase, the explosion or acute battering incident, and the calm, loving respite. So far, it has been difficult to discern how long a couple will remain in any one phase. Predicting the length of any one cycle is also not yet possible. There is evidence that situational events can influence the timing. Relationships that have lasted 20 or more years indicate several different cycle patterns corresponding to different stages of life. There is also evidence that some interventions are more successful if they occur at one phase rather than another. The available data is still too limited to make any conclusions, but trends suggest the desirability of further investigation (Walker, in press).

Phase one, or the tension building phase, is described as one in which the tension begins to rise and the woman can sense the man becoming somewhat edgy and more prone to react negatively to frustrations. There can be little episodes of violence which are quickly covered. He may begin to lash out at her for some real or imagined wrongdoing and quickly apologize or become docile again. Many women have learned to catch these little outbursts and attempt to calm down the batterer through the use of techniques that have had previous success. She may become nurturing, compliant and anticipate his every whim; or, she may stay out of his way. She lets the batterer know she accepts his abusiveness as legitimately directed towards her. She believes that what she does will prevent his anger from escalating. If she does her job well, then the incident will be over; if he explodes, then she assumes the guilt. In order for her to maintain this role, the battered woman must not permit herself to get angry with the batterer. She denies her anger at unjustly being psychologically or physically abused. She reasons that perhaps she did deserve the abuse and often identifies with her aggressor's faulty reasoning. And this works for a while to postpone the second phase or acute battering incident.

Women who have been battered over a period of time know that these minor battering incidents will get worse. However, to help themselves cope, they deny this knowledge. They also deny their terror of the inevitable second phase by attempting to believe that they have some control over the batterer's behavior. During the initial stages of this first phase, they do indeed have some limited control. As the tension builds, they rapidly lose this control. Each time a minor battering incident occurs there are residual tension building effects. Her anger steadily increases even though she may not recognize nor express it. He is aware of the inappropriateness of his behavior even if he does not acknowledge it. He becomes more fearful that she may leave him which is reinforced by her further withdrawal from him in the hopes of not setting off the impending explosion. He becomes more oppressive, jealous, and possessive in the hopes his brutality and threats will keep her captive. Often, it does.

As the batterer and battered woman sense the escalating tension, it becomes more difficult for their coping mechanisms to continue to work. Each becomes more frantic. The man increases his possessive smothering and brutality. Psychological humiliation becomes more barbed and battering incidents become more frequent and last longer. The battered woman is unable to restore the equilibrium. She is less able to psychologically defend against the pain and hurt. The psychological torture is reportedly the most difficult for her to handle. She usually withdraws further from him which causes him to move more oppressively towards her. There is a point towards the end of the tension building phase where the process ceases to respond to any controls. Once this point of inevitability is reached, the next phase, the acute battering incident, will occur. Sometimes, the battered woman cannot bear the tension any longer. She knows the explosion is inevitable but does not know how or when it will occur. These women will often provoke an incident. They do not do it in order to be hurt. Rather, they know they will be abused no matter and would prefer to get the incident over with. Somehow, these few women reason, if they can name the time and place of the explosion, they still have retained some controls. They also know that once the phase two is over, the batterer will move into the third phase of calm, loving behavior. Thus their reward is not the beating as the masochistic myth would have it, but rather a kind loving husband for even a short period of time.

During phase two the batterer fully accepts the fact that his rage is out of control. The battering behavior in phase one is usually meted out. The battering incident in phase two may start out with the man justifying his behavior to himself; however, it usually ends with him not understanding what has happened. In his blind rage, he usually starts out wanting to teach her a lesson and doesn't want to inflict any particular injury on her. He stops only when he feels she has learned her lesson. Most victims report that to fight back in a phase two incident is only to invite more serious violence. Many women, however, have been damming up their anger during phase one and only feel safe letting it out during the second phase. They know that they will be beaten anyway. The women describe the violence that occurs during this period with great detail, almost as if they are dissociated from what is happening to their bodies. The batterers cannot describe the details very well at all.

Phase two is the most violent of the cycle. It is also the shortest. There is a high incidence of police fatalities when intervening at this time. It is important to acknowledge the self-propelling nature of the violence during this phase when helpers try to intervene. Since the women report that only the batterer can end this phase, the most important need they have is to find a safe place to hide from him. Why he stops is still unclear. Perhaps he becomes exhausted. Battered women describe incidents which have no ground in reason. It is not uncommon for the batterer to wake the woman from a deep sleep to begin his assault. Although most are severely beaten by the time phase two is over, they are usually grateful for its end. They consider themselves lucky it was not worse, no matter how serious their injuries. They often deny the seriousness of their injuries and refuse to seek immediate medical treatment. Sometimes this is done to appease the batterer and make certain phase two really is finished and not temporarily halted.

The ending of phase two and movement into phase three is welcomed by both parties. Just as brutality is associated with phase two, the third phase is characterized by extremely loving, kind and contrite behavior. It is during this third phase of the cycle that the battered woman's victimization becomes complete. Her man is genuinely sorry for what he has done, even if he does not overtly tell her so, and tries with the same sense of overkill seen in the previous phases, to make it up to her. His worst fear is that she will leave him and he is charming enough to attempt everything to make sure this doesn't happen. He believes he can control himself and he never again will hurt this woman whom he loves. He manages to convince all concerned that this time he really means it—he will give up drinking, dating other women, visiting his mother, reducing the workload on the job, or whatever else affects his internal anxiety state. His sincerity is believable.

The battered woman wants to believe that she will no longer have to suffer abuse. His reasonableness supports her belief that he really can change, as does his loving behavior during this phase. She convinces herself that he can do what he says he wants to do. It is during phase three that the woman gets a glimpse of her original dream of how wonderful love is. This is her reinforcement for staying in the relationship. The traditional notion that people who really love each other will overcome all kinds of odds against them prevails. She chooses to believe that the behavior she sees during phase three signifies what her man really is like. She identifies the "good" side of this dual personality with the man she loves. The "bad" or brutal side will disappear, she hopes.

Since almost all of the rewards of being married or coupled occur during phase three for the woman, this is the time that is the most difficult for her to make a decision to end the relationship. It is also the time during which helpers usually see her. When she resists leaving the marriage and pleads that she really loves him, she bases her reference to the current loving phase rather than the previously painful phase. She hopes that if the other two cycles can be eliminated, the battering behavior will cease and her idealized relationship will magically remain. If she has already been through several cycles previously, the notion she has traded her psychological and physical safety (and maybe that of her children) for this temporary dream state adds to her own self-hatred and embarrassment. Her self-image withers as she copes with the awareness that she is selling herself for a few moments of phase three kind of loving. She, in effect, becomes an accomplice to her own battering.

The length of time that this phase lasts is not yet known. It seems as if it is longer than phase two yet shorter than phase one. In some cases, it is so brief, it almost defies detection. There does not seem to be any distinct end and before they know it, the minor battering incidents and tensions begin to build again and the cycle begins anew.

Causes and Characteristics of Battering Men*

*Excerpted with permission from *Participant's Manual for Workshop to Train Mental Health Professionals to Counsel Court Mandated Batterers*, by Dr. Anne L. Ganley (Washington, D.C.: Center for Women Policy Studies, 1981).

The development of an effective treatment program is based on a common understanding of what the problem is, where it comes from and who is doing it. This section reviews my understanding of battering, its causes, and the characteristics of the men who batter. The counselling format reflects this conceptual framework.

The following descriptive definitions of battering reflect the belief that there is no justification for violence in a family, except for physical self defense. Regardless of the problems which may or may not be in a relationship, they can and should be solved through means other than physical force. Furthermore, the counselling approach which begins with a descriptive definition of battering gets both the counsellor and client out of the business of determining whether or not battering is justifiable and on to the task of developing alternatives to battering. Such a focus is a prerequisite to effective intervention.

Definitions: What Is Battering?

Whether battering is labeled wife beating, marital violence, woman battering or spouse abuse, battering signifies violence. There are various ways to define battering; some based on the impact on the victim, some based on behavioral descriptions, some on intent and some on a combination of factors. Which definition a counsellor uses is not as important as whether it can be used consistently in both assessment and treatment. For this manual, wife battering is defined as the assaultive behavior between adults in an intimate, sexual, theoretically peer, and usually cohabitating relationship. This definition reflects both the behaviors occurring between the two persons and the context in which those behaviors take place.

Four Forms of Battering—Descriptive Definitions

For assessment purposes, I categorize battering, the assaultive behavior between adult intimates, in four forms: (1) physical battering, (2) sexual battering, (3) psychological battering, and (4) the destruction of property and pets. These four forms are not totally separate categories of behavior since there is some obvious overlap. Sexual battering overlaps with physical battering since both involve direct attacks on the victim's body. The destruction of property and pets overlaps with physical battering because both are physical acts against a person or object. However, the destruction of property and pets also overlaps with psychological battering since neither involves a direct attack on the victim's body. Too often sexual violence and the destruction of property/pets have been overlooked as part of the battering patterns. It has been useful in my clinical work to highlight them by putting them into separate categories. In some relationships all four forms of battering are occurring; while in others, there are only two or three of the forms present. For example, one may batter physically and psychologically but he may not sexually assault her. All four forms of battering can be behaviorally described and defined.

I. Physical Battering

The first and most obvious form of battering is the physical. Physical battering includes all the aggressive behavior done by the offender to the victim's body. It is the pushing, pinching, spitting, kicking, pulling hair, hitting, punching, choking, burning, clubbing, stabbing, throwing acid or boiling water, shooting, and so forth. Sometimes particular areas of the body are targeted; as in the case of only hitting the face or only attacking the torso or hitting the abdomen during pregnancy. For others, any area of the body becomes a likely target.

Often there is a mistaken tendency for therapists to place the physical battering on some kind of continuum, ranging from a slight push to murder, to delineate the severity of the battering. Thus, hitting with open hand is considered less serious than hitting with closed fist, shoving is less serious than punching and so forth. Such a severity continuum can be misleading if it is used to determine whether or not the battering is dangerous and whether it requires intervention. The reality is that shoving can be as or more dangerous than punching when evaluated by the injury to the victim. A person who is shoved may be paralyzed or killed, while a person who is punched may receive a broken nose. To avoid inadvertently minimizing and denying the dangerousness of the physical battering, counsellors as well as clients need to avoid comments such as "it isn't serious, he *only* shoves her." In assessing the physical form of battering, it is important to inquire about all types of physical attacks.

II. Sexual Violence

The second form of battering is sexual violence which includes physical attacks on the victim's breasts/genitals or forced sexual activity accompanied by either physical violence or the threat of physical violence. Some women report that their battering mates will force sexual activity after a beating, or require the performance of certain sexual practices while holding a loaded gun to their heads, or force certain unwanted sexual activities, or force sex with a third person. One woman said that her husband brought home pornographic magazines. He would beat her if she refused to do the sexual activity pictured in the magazine. Or, if she complied, he would beat her for going along with such "dirty sex". There are some cities and states which recognize these sexual assaults as crimes and will prosecute offenders even if married to their victims. There are many other cities and states which do not recognize rape within marriage as a crime. Regardless of the legal status of these sexual assaults, I consider sexual violence as a form of battering that requires assessment and intervention.

III. Psychological Battering

The third form of battering is psychological battering. This form is carried out with psychological weapons rather than physical attacks. In fact, the victim's body is not touched. Psychological battering includes a variety of behaviors: (1) threats such as threatening suicide, threatening violence against her or others, threatening to take the children away, threatening to deport foreign born wives, etc.; (2) forcing the victim to do degrading things such as eating cigarettes left in an ashtray, licking the kitchen floor, etc.; (3) controlling her activities such as sleeping and eating habits, social relationships, access to money, etc.; (4) constant attacks on her self esteem by verbal abuse or through total denial of her ideas and feelings, etc.; and (5) doing things to intentionally frighten her such as speeding through traffic, playing with weapons, etc.

In my clinical and research work, I make a distinction between psychological battering and emotional abuse.* Both may be behaviorally similar, and to the outside observer they may look the same. Both are destructive to relationships. The distinguishing feature of psychological battering is the atmosphere of physical violence and fear in which it takes place. This atmosphere is created by the offender's physical or sexual assaults on the victim and his destruction of property/pets (see next heading). I label particular behaviors as being psychological battering when it occurs in a relationship where there has been at least one episode of physical violence.** Without such an incident I would tend to identify the verbal attacks and sabotaging behaviors as emotional abuse. In my clinical work, I have observed that psychological battering has more destructive power than found in emotional abuse. The power of the psychological battering comes directly from the physical/sexual violence that has already occurred. The offender is successful in dominating and coercing her via psychological weapons precisely because she knows from experience that he is capable of backing up his psychological battering with physical assaults.

Because of the presence of the physical violence, psychological battering is analogous to the brainwashing experienced by prisoners of war and hostages. Both POWs and victims of psychological battering lose individual control over where they go, who they see, their sleep patterns, and even their eating habits. Battered women have talked about the offenders waking them in the middle of the night to force them to listen to two or three hour harangues about their bosses, the government, or some slight at the men's club. One Korean victim was denied the right to cook any of her own ethnic foods for herself and their children. Many shelters report that victims are malnourished and suffering from sleep deprivation, not because of poverty but because the offenders' behavior interfered with proper sleeping and eating.

In cases of both battered women and POWs, the captor isolates the victims from others and controls more and more of their reality. She often has no outside contacts with whom she can check her perceptions of herself and others. Also, both sets of victims are put through degrading experiences. Both are controlled by the violence or the possibility of it. They live with the constant fear that the violence may return and with the belief that their captors are fully capable of carrying out any threat, since they have already demonstrated their abilities to be violent. However, unlike the brainwashing of the POWs, the psychological battering of women is being carried out by their intimates, those who at other points may be loving. Psychological battering may be more disorienting to its victims because it is not being done by individuals who are clearly understood to be enemies.

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*Please note: Others in the Domestic Violence field would not necessarily make this same distinction between psychological battering and emotional abuse. Some would consider both categories of behaviors as battering.

**One exception is the case of the woman whose partner had never physically attacked her. However, throughout their marriage she was fully aware that he had shot his previous wife during a family argument. When the psychological abuse of her began, that knowledge of his past violence served the same function as an actual attack on her. Consequently, in such a case I would label his verbal abuse of her as psychological battering.

The POW analogy is one way to illustrate the distinction between psychological battering and emotional abuse. This distinction is helpful to the men who batter. When they understand that the physical assaults provide the foundation for the psychological battering, they can more easily understand how it terrorizes her. The distinction clarifies another point for them. At times they say they are being "battered" by their victims when they mean they are being emotionally abused. These men have not been assaulted by their mates and they are not terrorized by them.

IV. Destruction of Property and/or Pets

The fourth form of battering is the destruction of property or pets. Unlike the physical or sexual violence, this form of battering is done without actually attacking or ever touching the victim's body. However, the destruction of the property or pets is still an assault on the victim. In such battering, the destruction is not random. It is her favorite china that is thrown against the wall, or a gift he gave her during courtship that he tears up in front of her, or her pet cat that is strangled. Sometimes after an argument he will destroy objects treasured by him because he knows that she knows these are his prized possessions. Then he will blame her for causing the ruin of his property. Sometimes the objects being destroyed are randomly selected, but the destruction is still purposeful. To make a point, he throws an object at her during a fight, intentionally just missing her head. The victim never knows when the assaults on property will turn into physical assaults on her. Sometimes property is destroyed when she is not present, but it is still done to attack her. One man, whose spouse escaped to her mother's after an argument, went on a rampage through the house. He broke things against the wall, took syrup from the cabinet and poured it on the rugs, etc. He then called his wife and told her what he had done. He insisted that she return to clean up the mess she had "caused". Typically, the offender and the victim do not identify the destruction of property/pets as part of the battering, yet it is. The offender's purpose in destroying the property/pets is the same as in his physically attacking his partner. He is simply attacking another object to accomplish his battering of her. Sometimes we minimize the seriousness of this form of battering by saying that at least it is better than hitting her. Unfortunately, it often has the same psychological impact on the victim as a physical attack.

Similarities of the Four Forms

Whether the battering is physical, sexual, psychological, or the destruction of property/pets, all four forms have certain things in common. First, all are done without concern for the physical or mental well being of the victim. The man who batters acts without concern for the consequences of his violence to the victim. In retrospect, he may see the physical damage done by his violence. He may even feel a great deal of guilt and remose for that. However, he does not anticipate the destructive impact on the victim prior to the assault. Even when he recognizes the physical damage, many times he fails to see the emotional damage to his partner and their relationship. Men who batter will complain about their partner's insecurities, passivity or hostility without relating to those as being the effects of the battering. Secondly, all four forms of battering are done to show control and domination. Often it is his feelings of insecurity, anxiety and helplessness that trigger his violence toward her. He attempts to gain control over his internal feelings by dominating another. Thirdly, regardless of which forms occur in the relationship, usually the incidents of battering reoccur; and they can escalate in severity and frequency unless he makes the necessary changes.

Context

To the outside observer battering behavior is no different than the behavior found in the stranger to stranger violence of harassment, menacing, illegal imprisonment, assault and battery, rape, and murder. What distinguishes battering from stranger to stranger violence is the intimacy of the relationship between the offender and victim. The couples may be married, separated, divorced, dating, or cohabitating lovers. One assumes that there is or has been both a relationship of love and care and a shared history. The individuals are "family" to each other.

Wife battering is but one expression of family violence. The intimate context for the abuse is also characteristic in three other categories of family violence: (1) child abuse/neglect, incestuous assault, (2) sibling violence, and (3) the battering of older adults by adult children.* It is this intimacy intertwined with chronic violence which magnifies the trauma for the victims, and complicates the issues for them as well as for the victims, and complicates the issues for them as well as for the offenders and the intervenors.

While wife battering is similar in some aspects to the other types of family violence, there also are some significant differences. One important difference between wife battering and the others is in the nature of the legitimate family roles of the offender and the victim. In wife battering, the victim and the offender are both adults, and their legitimate roles are as peers. In two categories of family violence, the victim and offender are *not* both adults in an equal relationship, and there is a legitimate role of one having more power over the other. In cases of child abuse, neglect, and incestuous assault, there is a distortion in those legitimate disciplinary and caretaking roles. To change, the child abuser/incest offender has to stop his/her abusive behavior and learn how to provide the appropriate guidance and care. In cases of adult child abusing older adult parent, the abuser has to stop his/her violent behavior and learn to provide the appropriate guidance and care to the disabled parent.

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*Sometimes the battering of parents begins when the children become teenagers and strong enough to use physical force to retaliate for the child abuse they experienced. Sometimes the battering of older adults occurs when middle age children assume a more primary caretaking role with older adult parents who are experiencing mental and/or physical disabilities.

The situation is different in cases of wife battering. In adult to adult relationships as lovers/ partners, the legitimate roles are ones of mutual respect and responsibility. Theoretically one partner is not more responsible for the discipline or care of the other. The parent role is not an appropriate role between adult partners; as adults, they have equal responsibilities to the relationship. In cases of wife battering, the problem of the violence is often complicated or exacerbated by rigid expectations based on sex role stereotyping which denies equal responsibilities and rights in the family. For example, a man may expect that he should be the sole breadwinner and sole decision maker for the family. In face of inflation, he feels he is a failure in his role as provider. However, if his spouse goes to work outside the home, he also feels he has failed. With this stereotyped expectation to be the breadwinner, he is likely to feel pressured whether his wife is employed or not. Feeling more pressured and anxious, he is more likely to batter. To change, the man who batters needs to stop the battering and also learn to relate intimately as an equal partner.

A full exploration of the similarities and differences among wife battering, stranger to stranger violence, and the other categories of family violence is beyond the scope of this paper. However, it is important for us as counselors to understand the implications of certain similarities and differences. When wife battering is described behaviorally, its violence is like all violence and its destructiveness can no longer be minimized simply because it occurs within the family. When the intimate context for that violence is understood, then we can more fully comprehend the pain, terror, and confusion of both the victim and the offender. When we see which legitimate family roles are being distorted in battering, then the treatment goals and objectives for the offender become clear.

Using Descriptive Definitions of Battering

These definitions of battering are descriptive ones based on what is happening behaviorally and in what context. By using descriptive definitions of the four forms of battering, counselors can evaluate data provided by the clients to determine whether or not wife battering is occurring. Sometimes counselors have mistakenly attempted to make such a determination by other factors: such as (1) the frequency of the occurrence (is it battering if he hit her only one time?), (2) the severity of the injuries (is it battering if she only got a black eye?), or (3) the qualities of the victim or the offender (is it battering, if the victim "deserves it"? Is it battering if he is a nice guy?). Such questions are not adequate to determine whether or not battering is involved in the relationship.

Counselors are easily tempted to respond to a report of one incident by overlooking or discounting the importance of that violence. According to the definitions outlined, even one episode is serious because it may lead to severe injury or death. For example, one man touched his wife only once in anger and during that one episode he beat her to death. One event can be lethal. Furthermore, a single but less lethal episode is also serious because it provides the foundation for on-going psychological battering. In one argument a man had grabbed and shoved his wife several times causing some minor bruises. He never hit her again, but every time he wanted to coerce her to do something, he would refer to that one episode and threaten further violence. Having experienced that one physical fight and fearing an escalation in the violence, she would comply when he psychologically battered her.

Too often counselors have attempted to define battering by evaluating the characteristics of the victim or the offender rather than by attending to the behaviors. The question changes from "is there battering?" to "did she deserve it?" When one man reported that he hit his wife when she got drunk, the counselor ignored his hitting and focused on how the alcoholic wife warranted such anger. In doing so, the counselor discounted the man's using violence in the relationship and failed to point out that justifiable anger does not justify violence. Sometimes we as counselors minimize the battering because the man has a good job, is a pillar of society, or "at other times is a gentle man". The characteristics of those involved as well as the frequency and severity of the violence are relevant in treatment, but not in answering the initial question "Is the client involved in battering?"

Causes

To develop an effective treatment program, clinicians need to understand the causes of spouse battering. This manual will discuss causes briefly in terms of one particular theoretical view: Social Learning Theory.* Social learning theory provides the foundation for the counseling format outlined later in this manual. This counseling approach is based on the perspective that wife battering is learned behavior;** and that it is primarily a learned response to stress.

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*Space does not allow a review of the major theoretical positions. A detailed review and critique of the theoretical views of aggression can be found in Albert Bandura, *Aggression: A Social Learning Analysis*, Englewood: Prentice Hall, Inc., 1973.

**Not all violence is learned behavior. Some violence may be symptomatic of a neurological disease process or psychosis. For example, in the final stages of Huntington's Chorea, patients may be violent as the nervous system degenerates. This type of violence can be distinguished from battering. Typically this violence is random. There is no particular pattern in either when it occurs or who is struck. In such cases the nursing personnel become as likely targets as family members. Also with diseases there are other neurological symptoms such as distortions in motor coordination and changes in

Wife battering, like other kinds of violence, is learned behavior. Individuals who are violent have learned at what time, in what place, under what circumstances, at whom, and in what way to act violently. They have learned their patterns of violence from observing others and from their own trial and error experiences. Through observation and experience men in the military, women in self defense classes, football players in training, police, murderers, etc., have learned to be assaultive in a particular context. The same learning process occurs for men who batter.

In most cases wife battering is a learned response to stress. When experiencing a great deal of stress, some individuals have learned that it is appropriate to strike out, to be violent. The stressor or what is perceived as a stressor varies from person to person. The stressor may be internal, such as feelings of insecurity, inadequacy, helplessness or it may be external such as interpersonal conflicts, unemployment, racism, illness, etc. For some individuals there may be a combination of factors.

Battering is one way that *certain* people have learned to respond to stress. It is not a universal response. There is a myth that all people have breaking points where they will become violent. People use this myth to justify violence. The myth is only partly true. All people do have breaking points. However, the response to such "breaking points" or other stress points will vary from person to person. Some people will laugh; others cry, become passive, hallucinate, take drugs, drink alcohol, overeat, talk, problem-solve; and some will be violent. How people react to their internal and external stressors, i.e., whether they use violence or not, largely depends on what they have learned in the past. Consequently, the cause of battering is not the particular stressors facing that man, but the cause is his previous learnings about how to deal with those stressors. Ending wife battering requires a change in what these men have learned: they must learn new, non-violent ways to deal with their stress.

The man who batters has learned a complex set of behaviors, attitudes, and beliefs which facilitate his violence. First, he has learned to strike out, to be violent, to attack when experiencing a lot of pressure. Men who batter identify both chronic and acute stressors in their lives. They express feelings of being out of control and some talk about mounting pressure that precedes the violent incidents. They have learned to reduce that tension through aggression toward another. They have not learned other tension reduction or coping skills such as empathizing, verbal expression of feelings, problem solving, etc. *Secondly,* these men have learned that the safest place to strike out, in terms of consequences to them, is in the family. Even when the men are aware that the source of their stress is elsewhere, such as in their jobs, they usually will not become violent in that setting. They are afraid they would lose their jobs or in some other way be punished for that aggression. They seldom fear immediate punitive consequences for violence against family members. *Thirdly,* men who batter have learned certain cultural and social values about masculinity and their roles in families which support their aggression and violence. Many men who batter have stereotyped views about the man being the head of the household, the home being his castle, and his women and children being merely extensions of himself. Typically they have been socialized to stifle the expressions of all emotions except anger. They tend to express most emotions, e.g., fear, grief, etc., as anger. These patterns of behavior, beliefs, and attitudes which support their violence are learned.

These battering patterns and attitudes are learned in the man's family of origin, in the culture, and through his own prior experiences. The influence of the family of origin is noticeable. Clinicians counseling with batterers consistently report that a high percentage of these men were battered as children or witnessed abuse between significant adults in their lives.* As victims in their childhood, these men learned that it is appropriate to hit those they love for their own good and that the physically strongest family member is the judge of what is good for others. In their families of origin, they acquire beliefs that no one in the family has the right to hurt another or be rejecting without being punished for it. Their childhood experiences also provided them with particular standards for being men and certain values about their future roles as husbands and fathers. Often these expectations of self, developed at an early age, facilitate their violence against their wives and sometimes against their children.

Violence is not learned solely in the family of origin. The culture as a whole tends to reinforce those same family teachings. Violence is seen as a problem solver in everything from cartoons to newspaper reports, jokes to advertisements. In particular, aggression and violence in men are rewarded. As Dr. Lance Harris noted, many of the heroes in the dominant American culture can be divided into the "shooters" (John Wayne, Clint Eastwood, etc.), or "hitters" (football heroes, boxers, etc.). One male cultural hero who does symbolize non-violence is Martin Luther King, Jr., and yet the majority of men do not pattern their behavior after this model of non-violence. In addition to the pro-violence stance, the culture extolls the emotion of anger—at least for men. In an article on a Rosebowl football team, one recent headline read "What the Huskies need is a little competitive Hate". To be masculine, a man must show anger (but no

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speech. In the cases of psychosis, the violence often fits an delusional system, e.g., the man who becomes violent when "the devil unleashes the forces of the C.I.A. on him." Violence stemming from a disease or psychosis requires different interventions than those described in the counseling section of this manual.

*In a small research sample, Dr. Lance Harris and I found that about 70% of these men had that experience.

insecurity, tenderness, sadness, hurt, etc.), and must be aggressive and violent, when necessary.

Not all the learning to be violent comes from the culture or from their families of origin. Men who batter also learn the usefulness of violence from their experiences with their spouses. Oftentimes their violence at home is inadvertently reinforced by what follows the battering episode. Many of these men have been experiencing mounting pressure and psychological tension. When they become violent, they experience a reduction in that physical tension and that drop in physiological arousal can be a powerful reinforcer.* Sometimes, there are other reinforcers as well. The victim, after the beating, may indeed do as he insists; others may treat him with more respect; and often he feels more in control. Even if he feels remorseful or guilty about her injuries, he (and sometimes the victim herself) tends to blame the victim for "causing" him to "lose control". He denies responsibility for the negative behavior. Due to the tacit acceptance of family violence in society and to the lack of clear messages that his violent behavior must stop, his violence is rarely punished. With these reinforcers and the lack of punishments, he is more likely to act out violently again when he is under stress. In that way the pattern of violence begins and maintains itself.

Given that it is *his* inability to deal with stress, originating from his past learnings, that cause the violence, then the man who batters has the responsibility for changing. The battering is not caused by the relationship of the victim. In some cases, the source of his stress may be in the relationship. He may be hurt or angry about her behavior with him. However, he is the one who is responsible for his using violence rather than other means to confront those problems. In other cases his stress may be stemming from problems outside the relationship. He may be feeling inadequate as a parent or in providing for his family, he may be anxious about pressures on the job, or he may repeatedly perceive rejection where there is none. For such cases the stressors are not the victim's activities, and yet she becomes the target of his violence. Since no one can provide a stress free environment for him, he must learn new, non-destructive skills to deal with stress. However, first he must learn that violence is *not* an acceptable coping mechanism and that he has the capability of changing.

Characteristics of Men Who Batter

The following is a discussion of the characteristics of men who batter. More effective treatment programs can be developed by understanding these characteristics and by knowing how each impacts the counseling process. The information presented in this section is based on clinical experience. The list did not come from nor has it been tested out in research using the appropriate control groups. Consequently, it is not meant to be either a definitive or exhaustive list. It is important to remember that our knowledge of men who batter is still developing.

In its current form, the list is not meant to be a diagnostic profile. It cannot be used to distinguish men who batter from other client groups. Some individuals may have all the listed characteristics and yet they do not batter. Certain men who batter may have some but not all the characteristics. While these characteristics are not predictive of violence, they are relevant to the design of an effective treatment approach.

All Groups

Men who batter come from all races, socioeconomic classes, occupations, religious affiliations and ages. There continues to be some controversy as to whether or not there is a higher percentage of batterers in one class than another, and if so what it may mean. Even with that point unresolved, it is obvious that wife battering can no longer be seen as being confined to just this or that group. The men may be rich, poor, unemployed, professionals, laborers, white, Native American, black, Catholic, Mormon, Athiest, seventeen, thirty-five or sixty-seven. There are many differences among this group of clients. What they do have in common are their experiences as men who batter.

Victims of Abuse as Children

Often, as children, men who batter either witnessed battering between other family members or were battered themselves. Their families of origin were training grounds for the violence which the men as adults commit against their spouses and sometimes their children. In some cases the men batter their victims in the same way (with the same weapons, etc.) as they were beaten as children. Even though the current violence patterns may duplicate those of their abusors, the men rarely make a connection between what they are now doing and what they experienced in childhood.

In therapy, their childhood victimization is used in various ways, but it is not the major focus of treatment (see sections on Treatment Goal and Counselling Process). Often it is used to illustrate that battering is learned behavior which can be eliminated through new learnings. It is important to avoid letting the men use their histories to justify their continuing to batter. Another therapeutic use of such data is to facilitate the men's empathy for their victims. As the men identify and integrate their emotions about being victims of violence, then they sometimes can develop empathy for the feelings of the persons they have abused.

Minimization and Denial

One characteristic that seems prevalent among men who batter is their minimizing and denying. They tend to minimize the seriousness of the violent behavior to themselves as well as to others. For example, they may talk about having "a little fight" meaning that their assaultive behavior resulted in hospitalization of the victim. This minimizing is usually a form of self denial rather than lying.

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*This arousal pattern should not be confused with Lenore Walker's cycle theory of violence.

Because they do care and have an intimate relationship with their victims, it is painful for them to fully recognize what they are doing. At points these men will recognize their problem with battering and then they may return to minimizing and denying it. Oftentimes these patterns of minimization and denial surface about issues other than violence. For example, they may deny to themselves the importance of particular events or emotions. During the information gathering phase as well as during ongoing treatment, counselors need to be aware of these characteristics and confront them whenever they appear. It is difficult for the man to make changes unless he sees fully what he is doing and unless he takes responsibility in altering those patterns. Such confrontations are facilitated by having access to corroborative data from family members, others close to the client, police reports, etc.

Externalization

Many of the men see their lives as being externally directed. They attribute many successes and all failures to external factors. In the cases of successes, they will talk about job promotions resulting from "luck", "favoritism from the boss," etc. They rarely say that the promotion came from their own hard work. This same tendency to externalize can be seen in how they talk about their problems as always being the fault of someone else. This manifests itself in discussions about the battering as well. At first they always explain the cause of their violence as being out of their control. They justify the assaults by attributing the causes to the victim, alcoholism, hypoglycemia or some other external factor. Like the minimizing and denying, this externalizing needs to be confronted when it appears. The man must learn what is within his control, i.e., his responses to situations, and what is beyond his individual control (inflation, racism, his past, other people, etc.). This refocusing of his locus of control from external to internal can lead to increased self-esteem as the man makes positive changes.

Impulsivity

Many, but not all of the men, reflect a pattern of impulsivity in their lives. They often act without thinking of the consequences. They change jobs, move, change friends, sell property, etc., quickly and without much thought. This impulsivity may also appear in their treatment. Some will drop in and out of treatment programs in the same rapid fashion as they make other decisions with their lives.

Isolation

Like the victim of battering, the offender often reports a great deal of isolation. The victim's isolation is most often instituted by the offender, while his is self imposed. Men who batter take an active role in isolating their victims. He will monitor the victim's relationships with others, often controlling both who she sees and how she relates to others. He complains about "her weird friends", or the "interference of her parents", or the "wasted time spent away from the home in her activities", etc. He will insist that what happens in the family stay in the family. These complaints escalate until the woman in an effort to avoid further battering complies. Step by step he cuts her off from her social support system. In a similar way he imposes isolation on himself. He distrusts others and avoids self disclosure. He may offer aid to a "friend" but he will rarely seek it. He often reports that his friendships and contacts with others are superficial. Even those men who appear to have many friends through their jobs or club say that they would not discuss any of their problems with these "friends".

Dependency on and Excessive Possessiveness of the Victim

In the face of the isolation, many of the men state that the only person they feel close to is the person they abuse. Often their relationships are characterized by a total dependency on the victim. The man identifies this as "love". He expresses this dependency through extreme possessiveness. For example, he may constantly monitor where she is and who she sees. Sometimes his possessiveness appears as an irrational jealously where he assumes she is having an affair with every man (and sometimes even every woman) she sees, from a colleague at work, to her doctor, to the friend next door. Because of his intense dependency on her, he is very fearful that he may in some way lose her attention. He becomes more and more demanding and he may even use the battering as an attempt to force her attention. The chance of violence against her *or* himself is more likely when he perceives that she is making a move to be independent from him. The independence may be something as small as her choosing a household article without consulting him or as major as her moving to a shelter and filing for divorce.

Control, Domination

The men are often characterized as having a high need for control. They usually define this control as being "in charge" of the other or the external situation. Rarely do they define control in terms of self-control. When experiencing these feelings that they interpret as being out of control, their attempts to regain a sense of well being are usually moves to dominate others through aggression and violence. They do not identify that sometimes the source and often the solution to being out of control is internal rather than external. The treatment approaches described later accepts their high need to be in control, but reinforces the object of that control from others to self.

Tendency to Express Most Emotions as Anger

As expected from their socialization as men, the primary emotion experienced and expressed by men who batter is that of anger. It is almost as if the men have two speeds: "everything is fine" or they are angry. The wide range of emotions: hurt, anxiety, excitement, sadness, guilt, helplessness, tenderness, and vulnerability get lumped together and are identified by the men as anger. Since these men are used to expressing their anger through aggression and violence, and since they confuse many other emotions with anger, it is easy to see how emotional states other than anger also lead to assaults. Part of the task in therapy becomes the identification of the full range of emotions and the learning of constructive expressions of those emotions.

Depression and Suicide

Some of the men experience a great deal of depression and at points become suicidal. This depression may be directly related to an awareness of his violence and the fear of losing his relationship or it may be connected to issues preceding the relationship itself. Sometimes this depression has gone unnoticed by the man's friends or work associates, but usually is quite apparent to his family and when in treatment, to his counselor. It may appear, like his violence, at points when he perceives possible separation from the person he abuses. His veiled or unveiled threats of suicide can become part of his psychological battering. She talks about separation and he talks about killing himself or "no longer living".

In dealing with the depression/suicide, counselors should avoid certain traps. When working with the victims as the clients, the counselors should not simply label this behavior as manipulative and falsely reassure her that he will not kill himself. Some men who batter do successfully commit suicide—what percentage do so is unknown. Whatever the percentage, the victims are genuinely concerned about the suicide potential of their battering partners. Their concern should be respected. This does not mean that the woman should sacrifice her life and those of the children to stay and protect the offender from himself. The decision to remain or leave the battering mate is hers and is best made with a realistic consideration of all the available information.

When the batterer is the client, counselors should evaluate and respond to the suicide potential as they would with any depressed client. However, it is particularly helpful to these clients for them to understand that the suicide threats and even attempts are part of their battering behavior. Through these self destructive acts, they are attempting to punish and control another. I raise the issue of suicide in an educational way with all my battering clients. This information sharing allows both the counselor and client to anticipate possible points of severe depression and/or suicidal feelings and then together to agree on intervention strategies. Reinterpretation of these feelings, identification of personal support systems, crisis lines, and contracts are typical techniques used in preventing suicide.

Relationship of Alcohol/Drug Abuse to Battering

While many men who batter also abuse drugs or alcohol, there are many others who batter, but who are social drinkers or abstainers. Generally, there seems to be no clear cause and effect relationship* between the substance abuse and battering. The percentage of batterers who abuse drugs or alcohol seems to match the percentage of substance abusers in a given community. Rather than cause and effect, the high correlation between the two may be suggesting the presence of two widespread and overlapping problems. It is important to assess the specific relationship of alcohol and/or drug abuse to the battering in order to determine the appropriate course of treatment.

Further study is needed on the relationship between the intake of alcohol/drugs and battering. A large number of assaults do occur when individuals—either users or abusers—take drugs and/or alcohol. It may be that alcohol or drugs reduce the individual's inhibitions against battering.

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*The exception to this generalization is that there is some evidence that certain drugs such as speed and supposedly angel dust do trigger violent behavior. Most other drugs do not specifically cause violence.

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